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# SPECIAL LAWS

OF THE

# TWELFTH LEGISLATURE

OF THE

# STATE OF TEXAS.

## SECOND SESSION—1871.

BY AUTHORITY.

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# SPECIAL LAWS OF TEXAS, 1871.

## CHAPTER I.

AN ACT TO INCORPORATE THE BOSQUE BRIDGE AND MANUFACTURING COMPANY OF MCLENNAN COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That D. T. Chamberlin, Nelson Beall, H. M. Warren, Joseph Giles, E. A. Sturgis and W. A. Taylor, and such other persons as they may associate with them, and their successors in office, be and they are hereby created a corporation under the name and style of the Bosque Bridge and Manufacturing Company, and as such may sue and be sued, may have a corporate seal, and may hold and own such property, both real and personal, as may be necessary to carry out the objects of this charter, not to exceed two hundred and fifty thousand dollars in value.

SEC. 2. That it shall be the duty of said company to build a good, safe and substantial bridge across the Bosque river at or near a point on said river known as the Comanche crossing, in McLennan county, about five miles from the city of Waco, said bridge to be commenced within one year from and after the passage of this act, and to be built with single or double track, as said company may determine.

SEC. 3. That when said bridge shall be completed, said company are authorized to demand and receive from each and every non-resident of McLennan county, crossing said bridge, or crossing their property over the same, a toll not to exceed the following rates, to wit: For each wagon, cart, carriage, or other vehicle drawn by more than two horses or other animals, twenty cents per wheel, and five cents for each animal by which the same is drawn, and when the same is drawn by two animals or less, ten cents per wheel, and five cents for each animal by which the same is drawn; for each animal and rider ten cents; for each loose horse mule, jack or jen-



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net, five cents; for each loose animal of the cattle kind, five cents; for each foot passenger five cents; for each sheep hog or goat, three cents, and from citizens of McLennan county, one half the above rates.

SEC. 4. That it shall be the duty of the county court of McLennan county, from time to time, to cause said bridge to be examined, and whenever they shall consider the same to be not in a good and safe condition for crossing, they may cause the gates thereof to be opened for the free crossing of the public, and so to remain until said company shall place said bridge in good repair.

SEC. 5. That no person shall be authorized or allowed to erect any toll bridge or keep any ferry across said Bosque river, within three miles of said Comanche crossing, after the said bridge herein authorized is completed; *provided*, that in case said bridge shall get out of repair said company may keep a ferry boat until the said bridge is put in order.

SEC. 6. That the gates of said bridge shall at all times, night and day, be opened for the passing of persons and property, and said company shall be responsible in damages for unreasonable delays, and for injuries to person or property, resulting from the bad condition of said bridge.

SEC. 7. That said company is authorized to construct a dam across said river at said Comanche crossing, for the purpose of obtaining and controlling the water power of said river, at said crossing, to drive any and all such machinery as the said company may see fit to erect.

SEC. 8. That said company shall have two years, from and after the passage of this act, to construct said dam and erect said machinery.

SEC. 9. That this charter of incorporation continue and remain in force for twenty-five years from and after the completion of said bridge and machinery; and that this act take effect and be in force from and after its passage.

Passed September 18, 1871.

The foregoing act, received in the office of Secretary of State October sixteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER II.

AN ACT MAKING AN APPROPRIATION FOR REPAIRING AND IMPROVING THE STATE CEMETERY.

*Be it enacted by the Legislature of the State of Texas*, That the sum of six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay for repairing and improving the State Cemetery.

Approved September 22, 1871.

## CHAPTER III.

AN ACT TO INCORPORATE THE TOWN OF SULPHUR SPRINGS, IN HOPKINS COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the citizens of the town of Sulphur Springs, in Hopkins county, be and they are hereby declared a body politic and corporate, under the name and style of the Corporation of the town of Sulphur Springs, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real and personal; *provided*, such real property is situated within the limits of said incorporation. The limits of said incorporation shall extend three-quarters of a mile in every direction from the center of the public square in said town of Sulphur Springs.

SEC. 2. That it shall be the duty of the qualified electors of said corporation, at the next general election, to elect a mayor and five aldermen, and a constable, who shall be, *ex-officio*, assessor and collector of taxes; and until said general election, the said officers shall be appointed by the Governor, and shall hold their offices from the date of their appointment until said election. Said mayor and aldermen, thus appointed or elected, shall elect out of their own number, or otherwise, as they may deem best, a treasurer and secretary. The treasurer and assessor and collector of taxes shall be required to give bond with security, to be approved by the mayor, for the faithful performance of their duties, and shall make reports whenever required by the mayor or board of aldermen.

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SEC. 3. The mayor, aldermen, constable, treasurer and secretary shall each qualify himself for the duties of his office by taking an oath to execute the same to the best of his ability and judgment, and also shall take the oath required by the Constitution of the State. The oath shall be administered by the presiding justice of the peace, who shall proceed to commission the mayor, and deliver certificates of their election and qualification to the aldermen, constable, treasurer and secretary, respectively, preserving also an account of his proceedings herein among the records of his court; but the constable shall not be permitted to act as such until he shall have executed a penal bond to the corporation, with security approved by the mayor, conditioned to account for all moneys which shall come to his hands by virtue of his office, and otherwise faithfully to perform the duties thereof. The said bond shall be filed with the mayor, and may be put in suit either before or after the expiration of the term of his office by the corporation or by individuals sustaining injury by his malfeasance or default while an officer of said corporation.

SEC. 4. The mayor shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order. He shall have such criminal jurisdiction within the limits of the corporation as is conferred by law on justices of the peace, charging like fees for his services, and subject in his judicial acts to the same revisory powers. He may also impose fines, not exceeding one hundred dollars, for violation of the ordinances of the town. As chief executive officer, he shall order and control the police of the town, enforce the by-laws and ordinances passed by the board, protect from injury the public streets, buildings and other property, prevent and punish breaches of the peace, and employ his delegated powers in promoting the peace and good order of the town. He shall hold courts at such times and places as the board by ordinance shall prescribe, and shall keep a record of the proceedings had therein.

SEC. 5. The mayor shall, immediately preceding the expiration of his term of office, give ten days' public notice of the election of the officers provided for in this act; and said elections shall be held annually; the old officers shall hold over until their successors are elected and qualified. In case of the death, absence, sickness, insanity or other incapacity of the mayor, the board shall select one of their own number, who shall have the same powers and shall perform the duties of mayor temporarily, or during the remainder of that term, as occasion may require.

SEC. 6. That no person shall be eligible to any office under the provisions of this charter, who is not a citizen of this State, and

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shall have been a resident within the limits of said corporation at least sixty days prior to his election; nor shall any person have a right to vote for officers, who has not been a resident within said corporate limits at least sixty days next preceding any election, and who is not a qualified voter under the Constitution and laws of this State.

SEC. 7. The mayor and aldermen of said corporation shall have power to pass such rules and regulations, ordinances and by-laws, as may be necessary for the regulation of the police of the town, and the preservation of order within the corporate limits. The mayor shall have power, through ordinances and by-laws passed for the purpose, to lay off streets, walks and alleys, designating each by name, and may alter, improve, and light the same, and have them kept in good order, may lay off public grounds and erect or purchase all buildings proper for the town, establish and regulate markets, provide, in or near the town, water works and burial places, for the due protection of which the jurisdiction of the town shall embrace the same, provide proper safeguards against injury by fire, prohibit on the written request of the owners of three-fourths of any square the erection of any but brick, stone or concrete buildings. He shall have power to abate nuisances, prevent, remove or correct whatever endangers the health or comfort of the town or its inhabitants, and shall preserve peace and good order therein. The mayor shall have power to appoint a surveyor, who shall be subject to his orders, and whose duties shall be defined by the board of aldermen.

SEC. 8. The mayor and board of aldermen are hereby empowered to open streets and alleys through private lots, if they deem it necessary, ascertaining the loss and injury to the proprietors by the verdict of twelve impartial freeholders of the town, and passing the amount so assessed in compensation therefor, and in absolute purchase of the premises thus appropriated. To defray the resulting expenses of the corporation in its different departments, the board shall have power to impose a tax on all property, real and personal, within the corporate limits, and on all professions, vocations and occupations which are liable to State tax—said corporation tax not to exceed one-fourth of the State tax. The violation of, or non-compliance with any ordinance respecting taxes or licenses shall be a misdemeanor punishable by fine not to exceed double the amount of the tax or license assessed. The assessment of any tax shall constitute a lien for the payment thereof on real property, and also on personal property, except in the hands of *bona fide* purchasers without notice. Taxes due and unpaid may be collected by sale under execution issued by the mayor.

SEC. 9. The board may allow and pay to the mayor an annual

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salary, which, with his fees, shall constitute the compensation for his official duties. They shall also fix and pay a proper compensation, by salary or otherwise, to all the officers hereinbefore specifically named, except themselves, and also to such others as, under their general powers, they may see fit to appoint. The compensation of the aldermen shall be two dollars per day for each day the board may be in session; *provided*, that no alderman shall draw pay in two rights.

SEC. 10. That the mayor, with a majority of the board, shall constitute a quorum for the transaction of business, and they shall have power to prescribe penalties for the violation of the ordinances of the corporation; *provided*, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than twenty-four hours.

SEC. 11. That this act shall take effect and be in force from and after its passage.

Approved September 22, 1871.

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## CHAPTER IV.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS IN THE VICINITY OF SCYENE MASONIC MALE AND FEMALE INSTITUTE.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That it shall not be lawful for any person to sell any intoxicating liquors, whether alcoholic, malt or distilled, within three miles of Scyene Masonic Male and Female Institute, except for medicinal purposes; and any person or persons offending against the provisions of this act, shall be guilty of a misdemeanor, and, on conviction thereof before the District Court of Dallas county, or before any justice of the peace in the precinct in which the town of Scyene is situated, shall be fined in any sum not less than ten nor more than one hundred dollars for each and every violation of this act.

SEC. 2. That proceedings under this act shall be commenced on affidavit, view or information. One half of the fine assessed against the offender shall go to the informer, and the other half to the treasury of Dallas county.

SEC. 3. That this act be in force sixty days from and after its passage.

Approved September 22, 1871.

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## CHAPTER V.

AN ACT FOR THE RELIEF OF THE ESTATE OF CHARLES GARNET, DECEASED.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the estate of Charles Garnet, deceased, be and the same is hereby exempted from the provisions of section 161 of "An act prescribing the mode of proceeding in district courts in matters of probate," approved August 15, 1870.

SEC. 2. That this act take effect and be in force from and after its passage.

Passed September 22, 1871.

The foregoing act, received in the office of Secretary of State October ten, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated, within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER VI.

AN ACT TO AUTHORIZE WILLIAM BURNEY AND THOMAS BURNEY TO ERECT A TOLL BRIDGE OVER PIN OAK CREEK, IN THE COUNTY OF LIMESTONE, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That William Burney and Thomas Burney be and they are hereby authorized and empowered to erect a toll bridge over Pin Oak creek in the county of Limestone, where the public road from Springfield to Waxahachie and Dallas crosses the same; and that they be authorized and empowered to charge, receive and collect toll for crossing on said bridge, at the following rates, to-wit: For every footman, three cents; for every man and horse, ten cents; for

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every one-horse vehicle, twenty cents; for every two-horse vehicle twenty-five cents; for every ox wagon and two yoke of oxen, thirty cents; for every ox wagon and four or six yoke of oxen, fifty cents; for every four or six-horse wagon, fifty cents; for every two-horse wagon, twenty-five cents; for every loose horse, five cents; for cattle, sheep, goats, and hogs, per head, one cent.

SEC. 2. That the right and privilege herein granted shall inure to the benefit of said William Burney and Thomas Burney, their heirs and assigns, for twenty years; *provided, however*, that in order to secure the privileges conferred by this act, they shall, within twelve months from the passage thereof, erect and construct a good, safe and substantial bridge over the said Pin Oak creek, at the crossing aforesaid, and shall keep the same in good repair, and in the event of any accident or casualty destroying said bridge, the said William Burney and Thomas Burney shall re-construct the same within twelve months from the date of such accident or casualty, otherwise the franchise herein granted shall abate.

SEC. 3. That this act shall take effect and be in force from its passage.

Passed September 26, 1871.

The foregoing act, received in the office of Secretary of State, October sixteen, one thousand eight hundred and seventy one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER VII.

AN ACT TO ESTABLISH A FERRY ACROSS THE BIG BRAZOS RIVER, AT OR NEAR THE NORTHWEST CORNER OF ROBERTSON COUNTY, IN THE COUNTIES OF ROBERTSON AND FALLS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That E. Parr and his heirs be and are hereby authorized to establish a ferry across Big Brazos river, at or near the north-west corner of Robertson county, on the road leading from Bremond, in

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Robertson county, to Belton, in Bell county; and that the said E. Parr and his heirs shall have the right to make their landing at any point on the bank of said river in Robertson and Falls counties.

SEC. 2. That it shall be the duty of E. Parr, and his heirs, to provide and keep in good repair all necessary and sufficient boats for the transportation across said river of all passengers, wagons and other wheel carriages, horses, oxen and stock of any description; and that upon providing and keeping such boats in good repair, they shall have the right to use and enjoy said ferry within the limits below stated for and during the term of twenty years.

SEC. 3. That no other ferry boats be permitted to ferry across the said river within two miles above and below said point on said river.

SEC. 4. That the said E. Parr and his heirs shall have for and during the term of twenty years, the right to charge such rates of toll as shall be determined by the county court of Robertson county.

SEC. 5. That the said E. Parr and his heirs shall enter into bond, with sufficient security, payable to the presiding justice of Robertson county, or successors in office, for all damages that may accrue from neglect of duty.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Passed September 26, 1871.

The foregoing act, received in the office of Secretary of State October sixteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER VIII.

AN ACT TO INCORPORATE THE HOUSTON SCHUETZEN VEREIN.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Ed. L. Leonhardt, A. Hoffman, Peter Floeck, Fritz Duerer, Jacob Binz and Charley Gehrig, and their associates and successors, be and the same are hereby created a body politic and

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corporate, under the name and style of the Houston Schuetzen Verein, with power and authority to sue and be sued, to continue for fifty years, to have a common seal, and to hold real and personal estate, and generally to do and perform any and all acts necessary to carry out the objects of their incorporation.

SEC. 2. The objects of this incorporation are declared to be, the promotion of athletic and other sports, and innocent amusements, as well as to perfect the members in the art of shooting. And any person may become a member thereof by complying with the by-laws of said association, and subscribing this charter, and shall be entitled to all the rights and and privileges of said association.

SEC. 3. That said association may own and hold land in Harris county, not to exceed two hundred acres, for the purpose of their association.

SEC. 4. That one-fourth of the members are declared a quorum to do business and make by-laws for the government of said association, and such by-laws shall in all things govern the members of said association.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved September 28, 1871.

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## CHAPTER IX.

AN ACT TO AUTHORIZE C. DUNCAN AND G. W. PATTEN TO ERECT A TOLL BRIDGE OVER AQUILLA CREEK, IN THE COUNTY OF MCLENNAN, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That C. Duncan and G. W. Patten be and are hereby authorized and empowered to erect a toll bridge over Aquilla creek, in the county of McLennan, on what is known as the Dallas tract of land, and that they be authorized and empowered to charge and collect toll for crossing on said bridge at the following rates, to-wit: For every footman, three cents; for every man and horse, ten cents; for every one-horse vehicle, twenty cents; for every two-horse vehicle, twenty-five cents; for every ox wagon and two yoke of oxen, thirty cents; for every ox wagon and four yoke of oxen, fifty cents; for every four or six-horse wagon, fifty cents; for every loose horse, five cents; for cattle, sheep and hogs per head, one cent.

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SEC. 2. That the right and privilege herein granted shall inure to the benefit of the said C. Duncan and G. W. Patten, their heirs and assigns, for twenty years; *provided*, *however*, that in order to secure the privilege conferred by this act, they shall, within two years from the passage thereof, erect and construct a good, safe and substantial bridge over the said creek at the place aforesaid, and shall keep the same in good repair; and in the event of any accident or casualty destroying said bridge, the said Duncan and Patten shall re-construct the same within twelve months from the date of such accident or casualty, otherwise the franchise herein granted shall abate.

SEC. 3. That no bridge shall be permitted or allowed to collect toll or be erected with the right to do so for three miles above and below said bridge.

SEC. 4. That this act shall take effect and be in force from its passage.

Passed September 28, 1871.

The foregoing act, received in the office of Secretary of State October eighteen, one thousand, eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER X.

AN ACT FOR THE RELIEF OF R. E. BORDEN, DISTRICT ATTORNEY ON THE THIRD JUDICIAL DISTRICT.

WHEREAS, R. E. Borden was appointed District Attorney of the Third Judicial District of the State of Texas, on the nineteenth day of August, eighteen hundred and seventy, and on the first day of September following, entered upon the duties of said office, having taken the oath and prepared his bond as required by law; and

Whereas, the said R. E. Borden has continued faithfully to discharge the duties of said office, but the said bond was not filed until the fourth day of February, eighteen hundred and seventy-one; therefore,

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SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Comptroller of said State be and he is hereby authorized and required to issue his warrant in favor of R. E. Borden for the sum of five hundred and fourteen dollars.

SEC. 2. That the State Treasurer is hereby authorized to pay the said draft out of any moneys in the Treasury not otherwise appropriated, the said R. E. Borden receipting for the same.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved September 28, 1871.

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## CHAPTER XI.

AN ACT TO INCORPORATE THE UNION CLUB OF THE CITY OF SAN ANTONIO.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Joseph Hallam, James R. Davis, Henry James, Courtland Goodrich, Fayette Walker, John Montgomery, John Mazee, James Westmoreland, Henry Smith, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the Union Club of the city of San Antonio, and under said corporate name may sue and be sued, plead and be impleaded, and may take, hold, enjoy and grant property, both real and personal, and may execute and enforce all legal contracts; may have and use a corporate seal, and shall have the right of succession for ninety-nine years, and may adopt all such rules, regulations and by-laws as may become necessary for the organization and government of the said society.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved September 28, 1871.

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## CHAPTER XII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE BANK OF CLEBURNE, APPROVED MAY 25, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section one of said act shall hereafter read as follows: That there may be established in the town of Cleburne an association for the purpose of transacting a general banking and exchange business, which shall be called and known as the Savings Bank of Cleburne, and the stockholders and their successors shall have continuous succession for fifty years; and by that name shall be capable of suing and being sued in all the courts of this State, of purchasing, holding and conveying property of all descriptions, and shall have power to purchase real and personal property at any sale made to enforce its securities, or the payment of any debts due and sales made by virtue of any process, mortgage or deed of trust, and shall have the right to establish such branches and agencies as they may see proper; to make, have and use a common seal, and the same to alter or renew at pleasure, and generally to do any act necessary to carry into effect the objects of this corporation, not inconsistent with the laws of this State or of the United States.

SEC. 2. *Be it further enacted*, That the following sections be added to the original law: Sec. 12. That said corporation shall have power to borrow money, and to receive money on deposit, and to pay interest on deposits, under such rules and regulations as shall be adopted by the corporation; to loan money and receive interest at such rates as may be agreed upon by the parties, and that in the computation of time thirty days shall be deemed a month; and to make such loans payable either within or out of this State, and take such security therefor, either real or personal, or both, as the contracting parties shall agree upon, and may secure the payment of such loans by deeds of trust, mortgage, pledge or otherwise, either within or out of this State. Sec. 13. That married women and minors may in their own name subscribe for stock and make deposits of money with said corporation, and receive certificates of stock and deposits in their own name, which stock and deposits shall be subject to their disposal and order only.

SEC. 3. That this act be in force from and after its passage.

Approved September 30, 1871.

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## CHAPTER XIII.

AN ACT FOR THE RELIEF OF THE HEIRS OF JAMES C. ECCLES, DECEASED.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office is hereby required to issue to the heirs of James C. Eccles, deceased, a land certificate for twelve hundred and eighty acres of land; *provided, however*, that such certificate shall not issue until the conditional certificate for twelve hundred and eighty acres of land issued by the board of land commissioners of Jackson county to James C. Eccles, March 29, 1838, be returned and placed on file in the General Land Office.

SEC. 2. That this act take effect and be in force from and after its passage.

Passed October 2, 1871,

The foregoing act, received in the office of Secretary of State October nineteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER XIV.

AN ACT TO INCORPORATE THE NAVASOTA HEBREW BENEVOLENT SOCIETY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That I. Y. Chiuski, A. Fox, L. Wilson, Simon Levy, J. Bock, Henry Cohen, S. Gabert, Jacob Sulke, and their associates, be and they are hereby empowered and constituted a body corporate and politic, under the name of the Navasota Hebrew Benevolent Society, who as such may sue and be sued in the courts of this

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State, may take, hold, enjoy and grant property, both real and personally; make, execute and enforce all legal contracts; may have a common seal, and shall have the right of succession; and may adopt all such rules, regulations and by-laws as may become necessary for the government of said society.

SEC. 2. That this act take effect from its passage, and continue in force for twenty-five years.

Approved October 4, 1871.

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## CHAPTER XV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF BRENHAM AND TO GRANT A NEW CHARTER TO SAID CITY AND TO REPEAL ALL ACTS HERETOFORE PASSED INCORPORATING SAID CITY, WHICH MAY BE IN FORCE BY VIRTUE OF ANY EXISTING CHARTER, APPROVED MAY 6, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section one of an act entitled "An act to incorporate the city of Brenham and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter," approved May 6, 1871, be so amended as to read as follows:

Section 1. *Be it enacted by the Legislature of the State of Texas*, That all the inhabitants within one and one-half miles of the court house in Brenham shall constitute a body politic and corporate, with succession, by the name and style of the City of Brenham, and as such by that name shall be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded in all courts and places, and in all matters, whatsoever, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said city, and may have and use a corporate seal.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved October 4, 1871.

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## CHAPTER XVI.

AN ACT TO AMEND AN ACT TO INCORPORATE THE SABINE AND NECHES BRIDGE COMPANY, PASSED MAY 18, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section two of the above entitled act shall be so amended as to read as follows: Said company are hereby authorized to construct a safe and substantial bridge across the Sabine river, at a point as near as practicable on a direct line from Tyler to Quitman, in this State; also to construct bridges of similar description across the Neches river and Kickapoo creek, between Tyler and Athens, in this State.

SEC. 2. That section four of the above entitled act shall be so amended as to read as follows: That no person or persons shall be authorized to construct a toll bridge or operate a ferry and collect toll within two miles of either of said bridges on said streams.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Passed October 12, 1871.

The foregoing act, received in the office of Secretary of State October twenty-seven, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

## CHAPTER XVII.

AN ACT AMENDATORY OF AN ACT, APPROVED OCTOBER 1, 1866, ENTITLED AN ACT GRANTING TO JAMES L. TARVER THE PRIVILEGE OF CONSTRUCTING A FERRY ACROSS BIG CYPRESS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section five of an act entitled "An act granting to James L. Tarver the privilege of constructing a ferry across Big

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Cypress, approved October 1, 1863, be and the same is hereby amended so that the said section shall read as follows: Sec. 5. That the County Court of Upshur county shall appoint two commissioners, on the application of the proprietors of such ferry, citizens of said county, whose duty it shall be to examine and approve said ferry, as well as the causeways and bridges on each side of the creek, authorized by this act to be constructed and made, and report the same, whenever completed and in good order, to said county court, at a regular meeting thereof; and whenever the said road and bridges or ferries shall have been examined and reported in good order by said commissioners, said company shall be entitled to demand and enforce the collection of toll or ferriage at the rates specified in the fourth section of this act.

SEC. 2. That section eight of the said act of which this act is amendatory, shall hereafter read as follows: Sec. 8. It shall not be lawful for any person or persons to erect any toll bridge or establish a ferry within three miles of the location of this ferry during the period of time allotted to the party above named.

SEC. 3. That this act take effect from and after its passage.

Passed October 13, 1871.

The foregoing act, received in the office of the Secretary of State October twenty-three, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER XVIII.

AN ACT TO AUTHORIZE JOHN R. STRICKLAND AND DOUGLAS PUCKET TO ESTABLISH A FERRY ON BIG CYPRESS CREEK.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That John R. Strickland and Douglas Pucket be and are hereby authorized to establish a ferry on Big Cypress creek, in the counties of Upshur and Titus, at or near a point where the Pittsburg and Jefferson road crosses said stream; *provided*, said parties own the land on both banks of said stream at said point.



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SEC. 2. That the rates of toll charged and collected by said Strickland and Pucket shall be fixed by the County Court of Upshur county, and they shall pay such license tax as may be assessed by said court, in accordance with existing laws regulating ferries; *provided*, that said Pucket and Strickland shall be required to pay a license tax in but one county for such ferry privileges.

SEC. 3. That said Pucket and Strickland shall in all respects be governed by the laws of this State regulating ferries, where the same shall not conflict with the provisions of this act.

SEC. 4. That said parties shall construct good, safe boats, and shall likewise have the banks of said stream to comply in all respects with existing laws upon the subject of ferries, within one year from the passage of this act, and in case of failure shall forfeit all privileges granted by this act.

SEC. 5. That this act shall take effect and be in force for ten years from and after its passage.

Passed October 13, 1871.

The foregoing act, received in the office of Secretary of State October twenty-three, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER XIX.

AN ACT TO INCORPORATE THE TOWN OF PITTSBURG, IN UPSHUR COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the citizens of the town of Pittsburg, in Upshur county, be and they are hereby declared a body politic and corporate, under the name and style of the corporation of the town of Pittsburg, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real and personal; *provided*, such real property is situated within the limits of said corporation.

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SEC. 2. That it shall be the duty of the citizens of said corporation to elect a mayor, five aldermen, and a constable, who shall also be *exofficio*, assessor and collector of taxes; and a treasurer and secretary shall be elected by said mayor and aldermen. The treasurer and assessor and collector of taxes shall be required to give bond, with security to be approved by the presiding officer, for the faithful performance of their duties, and to make reports, when required by the mayor or board of aldermen; and the mayor shall have power, when necessary, to suppress riots and disturbances, and to call out the citizens of said corporation for the purpose of restoring order.

SEC. 3. The mayor, aldermen and constable shall, for the present time, be appointed as provided for in an act entitled "An act to authorize the Governor to appoint certain officers to fill vacancies," and upon the expiration of their term of office, there shall be an election held, under the direction of the mayor, who shall give at least ten days notice of such election before his term of office shall expire, and said elections for the offices as aforesaid, shall be held every two years thereafter; and all male inhabitants of said town, who have resided within its limits for the space of four months preceding any election, and who are qualified voters under the Constitution and laws of this State shall be deemed qualified electors of said corporation.

SEC. 4. That the mayor and board of aldermen of said corporation shall have power to pass such rules, regulations and ordinances as may be necessary for the regulation of the police, and the preservation of order within the corporate limits; for the levying of taxes; for the removal of nuisances, and keeping the streets in good order; and for any and all purposes tending to promote good order and government; and they shall have power to prescribe and enforce the collection of penalties for the violation of the ordinances of the corporation; *provided*, no tax shall ever be levied exceeding one half the State tax allowed by law; *and provided further*, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than twenty-four hours.

SEC. 5. That the limits of said corporation shall extend one half mile in every direction from the Pittsburg Institute, in said town of Pittsburg.

SEC. 6. That the mayor, with a majority of the board of aldermen, shall constitute a quorum for the transaction of business, and in the absence of the mayor, the boards of aldermen shall elect one of their own number, mayor *pro tempore*.

SEC. 7. That this act take effect and be in force from and after its passage.

Approved October 18, 1871.

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## CHAPTER XX.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN CERTAIN LIMITS OF THE HIGH SCHOOL AT EDOM, VAN ZANDT COUNTY, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That no person shall be permitted to sell or distribute any spirituous, vinous or other intoxicating liquors within two miles of the High School at Edom, in Van Zandt county, Texas; *provided*, that this act shall not prohibit any person from purchasing the same for medical purposes, under the prescription of some practicing physician, or for sacramental purposes.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction, shall be fined in a sum not less than ten nor more than one hundred dollars for every such offense.

SEC. 3. That this act take effect and be in force for fifty years from and after its passage.

Approved October 13, 1871.

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## CHAPTER XXI.

AN ACT TO AUTHORIZE ROBERT HOLMES AND OTHERS TO CONSTRUCT A BOOM ACROSS THE BRAZOS RIVER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Robert Holmes, and such other persons as he may associate with him, be and they are hereby authorized to construct a floating boom across the Brazos river for the purpose of rafting timber within the limits of the city of Waco, Texas, and at any convenient point to the upper line of the corporate limits of Waco; *provided*, that this act shall not in any way interfere with the rights of the Waco Bridge Company.

SEC. 2 That the said Robert Holmes, and those associated with him, shall construct said floating boom within two years from the passage of this act, and in case of failure so to do, then this act and all rights thereunder stand annulled.

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SEC. 3. That the said Robert Holmes, and his associates shall have and enjoy the right to use the banks of said river for the purpose of landing their timber and getting it on high ground, and that this act and the rights hereunder be in force for ten years; and that this act take effect from its passage,

Approved October 13, 1871.

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## CHAPTER XXII.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED AN ACT TO INCORPORATE THE WESTERN NARROW GAUGE RAILWAY COMPANY, PASSED AUGUST 4, 1870.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That stockholders in the Western Narrow Gauge Railway Company may be eligible as directors in said company, although non-residents of Texas. That the president of said company shall be a citizen of Texas during the time he may hold said office. That said railway company may receive donations or subscriptions to their capital stock in land, and may hold, possess and convey the same for the use and benefit of said company. That said company are hereby empowered to build their railway bridges across all streams on the line of their railway, so as to accommodate ordinary highway travel as well as railway transit. That the counties in which said bridges may be located are hereby authorized and empowered to subscribe to the stock of said company, or otherwise aid said railway company, to an amount sufficient to cover the additional expense to be incurred in constructing said bridges, for the double purpose contemplated. That said railway company shall have power to levy and collect such tolls as may be just and equitable on passengers, vehicles, cattle and animals that may cross over said bridges. That anything in the charter of the Western Narrow Gauge Railway Company, contrary to this supplement, is void and of no effect. That this supplementary act shall take effect and be in force from and after its passage.

Approved October 13, 1871.

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## CHAPTER XXIII.

AN ACT TO INCORPORATE THE CORPUS CHRISTI AND RIO GRANDE RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That R. King, P. Doddridge, J. B. Mitchell, Lewis G. Brown, U. Lott, Thos. Kearney, Wm. Headen, Ed. Buckley, N. Gussett, John Rabb, W. W. Wright, and Hines Clark, of Nueces county, and S. M. Jarvis, Santos Benavides, Nicholas Sanchez, and C. M. McDonnell, of Laredo, and their associates and successors, be and they are hereby created and constituted a body corporate and politic, under the name and style of the Corpus Christi and Rio Grande Railroad Company, and under said name shall have succession and a common seal, with capacity to make contracts; and in its said corporate name to sue and be sued, to grant and receive, to make by-laws for its general government and the management of its business, and generally to do and perform all such acts and things as may be necessary and proper for or incidental to the fulfillment of its obligations or the maintenance of its rights under this act, and consistent with the Constitution of this State and of the United States; and the said above named corporators shall constitute a board of directors for the time being, a majority of whom shall constitute a quorum to do business, and the first meeting of said board shall be held in the city of Corpus Christi on or before the first day of January, 1878; notice of the time of holding said first meeting shall be given by a notice signed by a majority of said incorporators, published once a week for two weeks in a daily newspaper published in the city of Galveston, and also for four weeks in a weekly newspaper published in the city of Corpus Christi; said board shall then permanently organize by electing, by ballot, from their number a president and vice president, and shall appoint a secretary and treasurer and such other officers as they may deem necessary for their organization, who shall hold their offices until their successors are elected as hereinafter provided; the treasurer of said company shall be required to give bond in such amount as may be deemed proper by a majority of the directors.

SEC. 2. That said company is hereby authorized to construct, own and maintain, and to equip and operate a continuous line of railway, with a single or double track of such gauge as shall be deemed best adapted to the nature of the country, and the transaction of the business of the section of country in which located, from a point at

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or in the vicinity of Corpus Christi, to a point upon the Rio Grande river, at or in the vicinity of Laredo; said company is also hereby authorized to construct, own and operate a telegraph line between the points above mentioned.

SEC. 3. That the State of Texas hereby grants to said company the right of way, to the extent of two hundred feet in width over all lands in the State along the line of its railroad, for the track or tracks thereof, and the use of such amount of said lands as may be actually necessary for sidings, turnouts, depots, station houses and machine shops, and for the location and maintenance of wells, water tanks, and all other necessary buildings incidental to its uses and purposes in the construction and operation of said railway or telegraph line; also, the right to take from all lands belonging to the State, within ten miles of the located line of its said railroad, such timber, rock, earth and other material as may be needed for the construction and operation of its railroad; also, the right to cross and bridge all rivers and water courses, and construct, operate and maintain ferries along said line, subject to the laws of the State in regard to the navigation thereof; also, the right to cross the track of any other railway along said line, which it may intersect.

SEC. 4. That it shall be lawful for said company to enter upon and purchase, and otherwise take and hold any lands necessary for the purpose of establishing, constructing and maintaining said railway and all necessary depots, sidings, turnouts, machine shops and other buildings connected with said railway, and if they shall not be able to obtain said lands by agreement with the owners thereof, they shall institute proceedings therefor, and acquire and pay for said lands in accordance with the provisions of the general railroad law of this State governing such matters.

SEC. 5. That the capital stock of said company shall consist of one million of dollars, divided into shares of one hundred dollars each, with liberty to increase said stock whenever the holders of a majority of the issued stock shall so desire, to an amount not to exceed two millions of dollars. Each share of stock shall entitle the holder thereof to one vote, either in person or by proxy, at all meetings of the company; *provided*, that any action or vote of two-thirds of said stock, expressed in writing or by vote, at any meeting of said company, shall be binding on all of the stock of said company. Said shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded by the secretary in the books of the company, kept by him in his office, or in such other or further manner as the by-laws of said company may provide; and said company may establish an office for the transfer of its stock, out of the State, under such rules and regulations regard-

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ing the same as may be deemed best and expedient, and as shall be provided in the by-laws of said company.

SEC. 6. That the immediate control and direction of the affairs of said company shall be vested in a board of not less than seven directors, to be annually chosen at a regular election by the stockholders, and said directors shall elect from their number one president and one vice president. Whenever two hundred thousand dollars of said capital stock of said company shall have been subscribed, and ten per cent. thereof actually paid in, said company may commence the construction of their works. Said board of directors shall have authority to fill any vacancy in the office of president, or in their own body, arising from death, resignation or any other cause; to appoint, fix the salaries of, and at any time remove such agents or employés as they may deem necessary or proper in the transaction of the business of said company; and at the time and place of the first meeting, the above named directors for the time being, shall make and present for ratification, by a vote of the holders of a majority of the stock, such by-laws as they shall consider necessary for the carrying out of the provisions of this charter and the business of the company.

SEC. 7. That the holders of one-third of the issued stock may call a meeting at the office of the company for such purpose, and for the transaction of such business as shall be designated in the notice calling the meeting; said notice shall be given by a publication similar to that mentioned in the first section of this act. The president and vice president, or either of them, and three directors, shall have power to call a meeting of the board of directors whenever in their judgment it may be necessary and proper; *provided*, that twenty days' notice thereof shall be given to each director in writing, either by delivery of the same at his usual place of business, or at his residence, or by mailing the same to him, as may be most convenient.

SEC. 8. That said company shall have power, and is hereby authorized to borrow money or to purchase property upon its own credit, for the purpose of constructing and maintaining its railroad, and may issue its bonds and obligations therefor, payable at such time and place, and at such rates of interest in the lawful money of the United States, or in the gold coin of the United States, as the directors of said company may elect, and to secure the payment of said bonds or obligations, may mortgage its railroad, its capital stock, its corporate franchises, and any and all of its property, real and personal, or any part or portion thereof, in such manner and form as said company or its directors shall deem best and expedient.

SEC. 9. That said company shall commence work on its road

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within one year after its permanent organization, and shall complete twenty miles of its road within two years after its permanent organization, and annually thereafter complete twenty-five miles; and any failure upon the part of said company to complete its road at such rates and within the period of time as hereinbefore stated, shall work a forfeiture of all further rights and privileges.

SEC. 10. That the principal office and legal domicile of said company shall be located at Corpus Christi.

SEC. 11. That the rights and privileges granted by this act shall remain and be in force for sixty years after its passage.

SEC. 12. That this act shall take effect and be in force from and after its passage.

Approved October 13, 1871.

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## CHAPTER XXIV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE SAN ANTONIO, VICTORIA, INDIANOLA AND NEW ORLEANS EXPRESS AND TRANSPORTATION COMPANY, APPROVED MAY 19, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That hereafter section three of an act entitled "An act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company," approved May 19, 1871, shall read as follows, to-wit: "That the object of said company is declared to be the express and transportation business; to establish express and transportation routes from San Antonio *via* Victoria and Indianola to New Orleans; from San Antonio *via* Columbus to New Orleans; from San Antonio *via* Austin to Fulton, on Red River; from San Antonio to the place of crossing on Red River, of the Kansas, Missouri and Texas Railroad; from San Antonio to El Paso; from San Antonio to Eagle Pass, and from San Antonio to the Rio Grande at or near Laredo; to own cars, wagons and other vehicles, used for express and transportation business; to run its own cars over all railroads subject to existing laws and to the terms of contract with any railroad company; to make contracts, to forward by railroads, steamboats, steamships and other rapid modes of conveyance by sea or land, bank notes, coin, jewelry and valuables of every description, all kinds of merchandise, stock animals and all kinds of personal

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and movable property; to draw bills of exchange; to make collections of money, drafts, notes and all other species of debts, claims and demands; and to insure articles of all kinds sent by their express on transportation; and generally, to transact all business direct and incidental connected with the express or transportation business."

SEC. 2. That this act take effect and be in force from and after its passage.

Approved October 13, 1871.

## CHAPTER XXV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS, VINOUS OR OTHER INTOXICATING LIQUORS WITHIN FIVE MILES OF THE PUBLIC SQUARE IN THE TOWN OF ALVARADO, JOHNSON COUNTY, TEXAS, APPROVED NOVEMBER 10, 1866.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the caption of an act entitled "An act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county, Texas," approved November 10, 1866, shall hereafter read as follows: "An act to prohibit the sale of intoxicating liquors within two miles of the Alvarado High School, Johnson county."

SEC. 2. *Be it further enacted*, That section one of said act shall hereafter read as follows: "That it shall be unlawful for any person or persons to dispose of any intoxicating liquors by sale or otherwise, except for medicinal or sacramental purposes, within two miles of Alvarado High School, Johnson county."

SEC. 3. *Be it further enacted*, That the following be added: "That any person or persons violating the provisions of the foregoing act shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars for each and every offense."

SEC. 4. That this act take effect and be in force from and after its passage.

Approved October 13, 1871.

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## CHAPTER XXVI.

AN ACT TO INCORPORATE THE EDON ACADEMY, IN COOKE COUNTY, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. S. Riley, Reason Jones, A. C. Davis, Stephen Sanders, Patrick Sanders, J. C. Montgomery and John Shipley, be and they are hereby constituted a body corporate and politic for educational purposes by the name and style of Edon Academy, by which name they may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and for the purpose and object of maintaining an institution of learning in Cooke county, Texas.

SEC. 2. That the management of said institution shall be vested in the above named persons as a board of trustees, who shall elect one of their own number chairman of the board, and they also shall elect one treasurer and one secretary. The chairman shall preside at the meetings of the board, but in his absence a chairman *pro tempore* may be appointed by said board. The treasurer shall be elected for one year; he shall keep a record of all notes and papers of value, also, all moneys received and paid out by him, paying out the same by order of the trustees, signed by the president of the board; he may be removed at any time for a direliction of duty by a vote of two-thirds of the trustees. The secretary shall be elected for one year; he shall attend the meetings of the board of trustees, and shall keep a fair record of all its proceedings and resolutions, also such by-laws and regulations as may be passed by said board for the government of the schools.

SEC. 3. That no money shall be paid out of the treasury except by order of the trustees, or a majority of them, signed by the president of the board; the said board shall have power to elect a president, and as many professors and teachers in the school as the educational interest of the school may require, and they shall assign to all persons so employed their duties respectively, and their salaries. The said board shall have power to enact such by-laws as they may deem necessary for the government of the school; *provided*, the same be not in contravention of the Constitution or laws of this State.

SEC. 4. That the said institute shall act for educational purposes, and shall never become sectarian in its character, nor shall the pe-

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culiar doctrines of any religious denomination be taught in any of the departments of said institute.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved October 13, 1871.

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## CHAPTER XXVII.

AN ACT SUPPLEMENTAL TO AND AMENDATORY OF AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF SAN ANTONIO AND GRANT A NEW CHARTER TO SAID CITY, AND TO REPEAL AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF SAN ANTONIO, APPROVED JULY 17, 1856, AND AN ACT ENTITLED AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF SAN ANTONIO, ARPROVED FEBRUARY 11, 1860, APPROVED AUGUST 13, 1870.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section five of an act entitled "An act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled 'an act to incoporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'an act to amend an act to incorporate the city of San Antonio, approved February 11, 1860,' approved August 13, 1870," be so amended as to read as follows, to-wit: "Section 5. That at the first general State election held after the adoption of this act, a mayor, recorder, and city councilmen, shall be voted for in the same manner and under the same regulations as other officers at that election; the returns of such election for mayor and councilmen to be made in the same manner herein provided."

SEC. 2. That so much of said act as is embraced under article five, Board of Education, from section 138 to section 171, inclusive of the sections named, is hereby repealed.

SEC. 3. That the mayor and city council shall constitute a board of trustees, who shall have exclusive management of the city school fund and all property real and personal belonging to said fund, and shall have power to transfer any and all moneys arising from the sale of city school property, or from interest or investments made or to be made hereafter to support or maintain a system of public free schools, to the State authorities for the maintenance and

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support of public free schools in the city, and to transfer, lease or rent all school buildings owned by the city, to the State for public school purposes.

SEC. 4. That the treasurer of the city shall be, *ex officio*, the treasurer of the board of trustees.

SEC. 5. That the mayor and city council, acting as such board of trustees, shall be empowered to make all needful regulations for their own government not contrary to the Constitution and laws of this State, and to regulate the receipt and disbursement of all school funds.

SEC. 6. That this act take effect and be in force from and after the date of its passage.

Approved October 13, 1871.

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## CHAPTER XXVIII.

AN ACT TO AMEND AN ACT APPROVED MAY 2, 1871, ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE GALVESTON CITY RAILROAD COMPANY, APPROVED OCTOBER 8, 1866.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section one of an act approved May 2, 1871, entitled "An act to amend an act entitled 'an act to incorporate the Galveston City Railroad Company,'" approved October 8, 1866, be and the same is hereby amended so as to read as follows: "Section 1. Said company shall have and use a common seal, shall be subject to sue and be sued, plead and be impleaded, and shall have a right to buy and hold, to sell and convey property, real, personal and mixed, for the uses of the company; but no real estate shall be bought or sold, nor shall there be any material extension of said tracks, or change or removal of main tracks or routes, except by consent of a majority of the stock voting under the rules of the company, or expressed in writing. The said tracks now laid may be doubled on any street, or changed and shifted to any street heretofore granted by the city council to the uses of said company. Said company shall, within six months after the passage of this act, connect their tracks on Bath Avenue and Center street, on the sea-side, by a track double or single on the Avenue, running east and west, between

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Avenue Q and Avenue R. Any action of a majority of the stock of said company, voting under its rules or expressed in writing, shall be binding on all the stock of the company."

SEC. 2. This act shall take effect from and after its passage.

Approved October 18, 1871.

## CHAPTER XXIX.

AN ACT TO INCORPORATE THE YORKTOWN FIRE COMPANY NUMBER ONE, OF THE TOWN OF YORKTOWN, IN THE COUNTY OF DEWITT.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Julius Meyer, A. Burow, B. Burow, J. Reuser, R. Gohmert and their associates and successors, shall be and they are hereby, constituted a body politic and corporate as a steam fire company for the town of Yorktown, under the name of the Yorktown Fire Company No. 1, with power to sue and be sued, plead and be impleaded; to appear and prosecute to final judgment in any court or elsewhere; to have a common seal, with such device as they may adopt; to elect in whatever manner they may choose the officers necessary to command them; to establish by-laws for the government and regulation of their officers, not inconsistent with the Constitution and laws of this State, and the same to alter and amend at pleasure; and to hold real and personal property and to dispose of the same; *provided, however*, such real estate and personal property shall at no time exceed the sum of twenty-five thousand dollars in value, and that the number of said company shall never exceed twenty members, rank and file.

SEC. 2. That the actual and active members of said company shall be exempt from serving on juries, except in capital cases.

SEC. 3. That said company shall have power, by their constitution and by-laws, to try all violators of their own ordinances, agreed upon by a majority of the members of said company, to suspend, expel, or fine, not exceeding ten dollars, those violating the constitution and laws of said company.

SEC. 4. That this act of incorporation shall be and continue in force for and during the term of thirty-nine years from and after its passage.

Passed October 16, 1871.

The foregoing act, received in the office of Secretary of State

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October twenty-six, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER XXX.

AN ACT TO AUTHORIZE HOWARD KEYES AND HIS ASSOCIATES TO CONSTRUCT A TOLL BRIDGE ACROSS LAKE FORK OF SABINE RIVER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Howard Keyes and his associates and successors are hereby authorized and empowered to construct a toll bridge across Lake Fork of Sabine river, in Wood county, at or near the mouth of Caney creek, on the Quitman and Emory road; and the above named Howard Keyes and his associates and successors shall be allowed to erect a toll gate; shall have the right of way and all other rights and privileges necessary to keep up said toll bridge, slough bridges and road, for twenty-five years.

SEC. 2. That said Howard Keyes and his associates shall keep said toll bridge and road through the bottom of said creek in good repair, under the supervision of the County Court of Wood county, and shall be allowed to charge the following rates of toll and no more, to-wit: For each footman, five cents; for each led horse, five cents; for each head of stock cattle, three cents; for each head of beef cattle or loose horses, four cents; for each man and horse, ten cents; for each horse and buggy, twenty-five cents; for each two-horse carriage or buggy, forty cents; for each wagon and two horses or one yoke of oxen, twenty-five cents; for each additional pair of horses or oxen, fifteen cents.

SEC. 3. That said Howard Keyes and his associates shall construct the said bridge from the timber and dirt of the land which they may purchase, and they shall not be permitted to prevent individuals from traveling any other road than by said bridge.

SEC. 4. That if any person shall wilfully fail or refuse to pay tolls after crossing the said bridge, he shall be liable to forfeit and

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to pay to the said company the sum of five dollars and costs of suit, recoverable before any justice of the peace as in other cases.

SEC. 5. That no other toll bridge shall be constructed across Lake Fork within three miles above and three miles below said bridge, and that said bridge shall be completed within two years from and after the passage of this act.

SEC. 6. That this act take effect and be in force from and after its passage.

Passed October 16, 1871.

The foregoing act, received in the office of Secretary of State October twenty-six, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER XXXI.

AN ACT TO INCORPORATE THE COLORADO FIRE COMPANY NUMBER TWO, OF THE CITY OF AUSTIN.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That C. F. Millett, J. S. Barnard, John A. Cunningham and C. M. Schutze, of the county of Travis and State of Texas, and their associates and successors, be and they are hereby constituted a body politic and corporate under the name and style of the Colorado Fire Company No. 2, and by that name shall have succession and be capable of suing and being sued; of defending and being defended in any of the courts of this State; to acquire, hold and sell property, real, personal and mixed, not to exceed in value ten thousand dollars; may use a corporate seal, and may alter and change the same at their pleasure; may contract and be contracted with, and make all rules and by-laws that may be necessary for the government of the company, and have and exercise all the powers and rights generally incident to such companies.

SEC. 2. That said company shall have power, by their constitution and by-laws, to suspend, expel, or fine not to exceed, in any one

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instance, the sum of five dollars, any of its members for neglect of duty or for violation of the constitution and laws of said company.

SEC. 3. That the members of said company shall never be less than twenty nor more than fifty in number.

SEC. 4. That the members of the company who shall have served therein for one year shall be exempt from militia duty and service as jurymen, except in capital cases.

SEC. 5. That neither the company nor its members shall be liable in damages or otherwise for property destroyed or injured by the company while in the discharge of their duties as firemen.

SEC. 6. That all property of the company shall be exempt from taxation for State or county purposes.

SEC. 7. That this act take effect and be in force from and after its passage.

Passed October 16, 1871.

The foregoing act, received in the office of Secretary of State October twenty-six, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER XXXII.

AN ACT TO INCORPORATE THE INDIANOLA COLORED BENEVOLENT SOCIETY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Stephen Williams, Peter Thaupe, Jacob Harris, Philip Jones, Banister Prior, Edward Peyton, of Indianola, county of Calhoun, together with their associates and successors, be and they are hereby constituted a body politic and corporate, for benevolent purposes, to be exercised in taking care of the aged, infirm, indigent and sick, and for providing for the orphan children of theiro wn race, under the name and style of the Indianola Colored Benevolent Society, and by that name shall be capable of suing and being sued, of defending and being defended in any of the courts of this State; of



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acquiring and holding estate, real, personal and mixed, and of encumbering, selling, or otherwise alienating the same, as said society may deem expedient; *provided*, the amount of property held by said corporation shall, at no time exceed one hundred thousand dollars.

SEC. 2. That said corporation shall elect a president, vice president, secretary and treasurer, together with such other officers as may be deemed necessary for the purpose of carrying out the objects and purposes of the society, to be provided for by their by-laws.

SEC. 3. That said corporation shall have power to enact such by-laws, rules and regulations for its government as do not conflict with the Constitution and laws of this State, and may also adopt a common seal.

SEC. 4. That said Indianola Colored Benevolent Society be and the same is hereby authorized and empowered to create, by charter or dispensation, other benevolent societies, within this State, for like objects and purposes; and such other benevolent societies, when created, shall be subordinate to and under the general government and control of the Indianola Colored Benevolent Society, and said Indianola Colored Benevolent Society may enact all such constitutions, regulations and rules as they may deem proper for the government of such subordinate benevolent societies.

SEC. 5. That said corporation shall have full power to fix the terms of all its officers, and provide by their by-laws for the manner of electing them.

SEC. 6. That this charter shall continue as long as said society shall confine itself to the objects and purposes for which it is created, but shall not exceed the term of fifty years from and after the passage of this act.

SEC. 7. That this act take effect from and after its passage.

Approved October 18, 1871.

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## CHAPTER XXXIII.

AN ACT TO INCORPORATE THE OFFICERS AND MEMBERS OF THE FORT WORTH MASONIC INSTITUTE NO. 148, A. F. AND A. MASONS, AT FORT WORTH, TARRANT COUNTY, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the officers and members of the Fort Worth Masonic Lodge No. 148, A. F. and A. Masons, and their successors and

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future associates, be and they are hereby created a body politic and corporate by the name and style of Fort Worth Masonic Lodge No. 148, A. F. and A. Masons, and by that name shall be capable of acquiring, holding, selling and conveying property, real, personal or mixed; *provided*, the same shall not exceed in value at any one time the sum of twenty-five thousand dollars, and they may establish and manage institutions of learning in the usual manner, and under such rules and regulations as as they may think proper to make, not inconsistent with the Constitution and laws of the State of Texas.

SEC. 2. That said corporation may, by the name and style aforesaid, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all suits, actions, demands, pleas or complaints of any character, in any court of law or equity within this State.

SEC. 3. That the said corporation may have a common seal, may make, repeal or change a constitution and by-laws for their government, not inconsistent with the laws of the land, and shall in general have and exercise all rights, privileges and immunities by law incident to and commonly enjoyed by corporations of like kind, for and during the term of twenty-five years.

SEC. 4. That in any suit or other proceeding against the said corporation, service of process, or of notice, or of any other papers may be made by delivering to any officer of the corporation a copy thereof duly certified, and the officer or other person serving the same shall state in his return the officer of the corporation upon whom it was served, naming him.

SEC. 5. That any deed of conveyance duly signed and executed by the officers of said corporation, in pursuance of a resolution authorizing the same, shall be deemed valid in law, and shall have the same force and effect as any other deed of conveyance.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Approved October 18, 1871.

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## CHAPTER XXXIV.

### AN ACT FOR THE RELIEF OF GEORGE COX.

WHEREAS, The board of land commissioners for Red River county did, on the seventh day of March, 1842, issue to George Cox conditional certificate No. 199, class fourth, for three hundred and

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twenty acres of land; and the board of land commissioners for Dallas county, on the twelfth day of January, A. D. 1847, issued to said George Cox unconditional certificate No. 6, fourth class, for three hundred and twenty acres of land by virtue of the aforesaid conditional certificate No. 199; and

Whereas, the clerk of the board of land commissioners of Dallas county did omit to insert the names of the witnesses in his report of said unconditional certificate No. 6, fourth class, but reported the same correctly in all other respects, for which omission the commissioner of claims did suspend the issuance of patent on said unconditional certificate No. 6, fourth class; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office be authorized and required to issue to George Cox, or to his legal representative, a patent for three hundred and twenty acres of land by virtue of unconditional certificate No. 6, class fourth, issued to said Cox by the board of land commissioners of Dallas county on the twelfth day of January, A. D. 1847.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved October 18, 1871.

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## CHAPTER XXXV.

AN ACT TO INCORPORATE THE TEXAS STOCKRAISING COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That William F. Shaffer, R. R. Robertson, William G. Wagley, U. P. Turner, A. T. Morris, Charles Tennis and James Sykes, their associates and successors, are hereby created a body corporate and politic, with full power in their corporate name, to-wit: the Texas Stockraising Company, to make contracts of every description necessary to the furtherance of the objects of said organization; to purchase and hold, sell and convey property, both personal and real, to execute and take leases, mortgages and trusts, and all other instruments necessary to the furtherance of the object of their said association; to buy and sell cattle, horses, etc., and have and record a brand or brands, and to do and perform all other things necessary in the transaction of their business; to take and receive grants or gifts, to have succession and a common seal, to

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make by-laws, rules and regulations for the government of their affairs; to sue and be sued, plead and be impleaded, in all the courts of this State; to declare dividends upon its profits, and to do and perform every act incident to their organization necessary to the fulfillment of their duties and protection of their rights under this grant, and consistent with the laws and Constitution of the State.

SEC. 2. The officers of the association shall consist of seven directors, from which number there shall be elected a president and vice president. The election of said directory shall be had annually after the first election. Said directory, or a majority of them in session, may appoint such subordinate officers and agents as may be deemed necessary, and provide for such compensation of all officers and employés as they may determine. The term of office of the subordinates and employés shall be at the will of the directory.

SEC. 3. The capital stock of said company or association shall be fifty thousand dollars, with power to increase the same hereafter to five hundred thousand dollars.

SEC. 4. The said capital stock of fifty thousand dollars shall be divided into shares of one hundred dollars, and may be payable in instalments of twenty dollars per month on each share, or in such manner and sums as the directory may hereafter determine by by-laws or regulations.

SEC. 5. Should any stockholder fail to pay any instalment or payment due the association, then in such case the stock of said delinquent stockholder may be sold at the company's office, after giving thirty days' notice thereof in some newspaper published in the city of Houston, and the right and title to such stock so sold shall be deemed good and valid in law and equity.

SEC. 6. Whenever twenty per cent. of the minimum capital herein provided shall have been paid in, the said association or company may proceed to an organization conformable to the terms hereof. And for the purpose of collecting said twenty per cent. and issuing stock therefor, the incorporators hereinbefore named may at once proceed to organize said company by electing from their number a president, vice president and treasurer, who shall perform all the duties incident hereto, until a full organization of said company by an election of directors as aforesaid.

SEC. 7. Upon the full payment of said twenty per cent., the president, as herein provided for, shall give thirty days' notice of an election to be held at the office of said company, in the city of Houston, for the election of a full board of directors and officers, as herein provided, to serve for twelve months from the day of election.

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SEC. 8. Service of legal process upon the said company may be had in the manner now prescribed by law.

SEC. 9. This charter shall continue twenty-five years, and take effect from its passage.

Approved October 18, 1871.

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## CHAPTER XXXVI.

AN ACT TO INCORPORATE THE WASHINGTON STEAM FIRE ENGINE COMPANY NUMBER ONE, OF GALVESTON.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That David Wakelee, Harry Munn and Martin A. Davey, their associates and successors, be and they are hereby created a body politic and corporate under the name and style of the Washington Steam Fire Engine Company No. 1, and by that name shall have succession, and may sue and be sued, plead and be impleaded, have and use a corporate seal, buy, sell and hold property, real, personal or mixed, not to exceed in value twenty thousand dollars at any one time, may contract and be contracted with, and make all rules and by-laws that may be necessary for the government of the company, and have and exercise all the powers and rights generally incident to such companies.

SEC. 2. That said company shall have the right, in its constitution or by-laws, to impose fines upon its members for neglect of duty, not to exceed in any one instance five dollars, which may be collected in the name of said company by suit before any justice of the peace in the county of Galveston.

SEC. 3. That the members of said company shall never be less than twenty nor more than sixty in number.

SEC. 4. That the actual active members of the company, not in arrears on the books, shall be exempt from militia duty and from service as jurymen, except in capital cases.

SEC. 5. That neither the company nor its members shall be liable in damages or otherwise for property destroyed or injured by the company, while in the discharge of their proper duties as firemen.

SEC. 6. That this act take effect from and after its passage.

Passed October 23, 1871.

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The foregoing act, received in the office of Secretary of State November one, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER XXXVII.

AN ACT TO PROVIDE FOR THE RELIEF OF THE HEIRS OF CHARLES G. BRYANT, DECEASED.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office of the State of Texas be instructed, and is hereby authorized to issue unto the surviving heirs of Charles G. Bryant, to-wit: Charles C. Bryant, Martin V. Bryant, Dewitt Clinton Bryant, Edwin Moore Bryant, Wolfred Nelson Bryant and Welthea E. Graham, a warrant for six hundred and forty acres of the public domain of the State of Texas for balance due Charles G. Bryant, deceased, upon his headright, as belonging to class second of immigrants to and under the Republic of Texas, as defined by the laws governing the classification of immigrants, he, the said Charles G. Bryant, as the "head of a family," coming within the provisions of such laws, and having been embraced within the reports of the boards of land commissioners under the Republic of Texas as belonging to the second class of immigrants, being entitled to the full benefits of the operations of such law or laws.

SEC. 2. *Be it further enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office for the State of Texas be instructed, and he is hereby authorized to issue unto the surviving heirs of Charles G. Bryant, deceased, a further warrant for six hundred and forty acres of land of the public domain of the State of Texas, as a bounty of land for services rendered unto the Republic and State of Texas by the late Charles G. Bryant.

SEC. 3. That this act take effect and be in force from and after its passage.

Passed October 24, 1871.

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The foregoing act, received in the office of Secretary of State October twenty-five, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, was returned by him to the House in which it originated with his objections thereto, passed both houses of the Legislature over his veto, two-thirds of the members thereof concurring therein, and has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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## CHAPTER XXXVIII.

AN ACT FOR THE RELIEF OF THE HEIRS OF ANDREW JACKSON BRYANT, DECEASED.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office of the State of Texas, be instructed and he is hereby authorized to issue unto the surviving heirs of Andrew Jackson Bryant, deceased, to-wit: Charles C. Bryant, Martin V. Bryant, Dewitt Clinton Bryant, Wolfred Nelson Bryant, Edwin Moore Bryant and Welthea E. Graham, a warrant for six hundred and forty acres of land out of the public domain of the State of Texas, in behalf of Andrew Jackson Bryant, and by reason of his coming within the operation of the law and laws defining the status of immigrants to and under the Republic of Texas, and his claim for a headright under the provisions of such laws.

SEC. 2. *Be it further enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office of the State of Texas, be instructed and is hereby authorized to issue unto the surviving heirs of Andrew Jackson Bryant, hereinbefore enumerated, a bounty warrant for six hundred and forty acres of land, out of the public domain of the State of Texas, as a bounty of land to and for the services of Andrew Jackson Bryant, deceased, rendered the Republic of Texas, in the navy of the same, in which service the said Andrew Jackson Bryant received severe wounds upon his person, and afterwards lost his life.

SEC. 3. *And be it further enacted*, That this act take effect and be in force from and after its passage.

Passed October 24, 1871.

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The foregoing act, received in office of Secretary of State, October the twenty-fifth, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, was returned by him to the House in which it originated, with his objections thereto, passed both houses of the Legislature, over his veto, two-thirds of the members thereof concurring therein, and has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

## CHAPTER XXXIX.

AN ACT TO INCORPORATE SCYENE MASONIC MALE AND FEMALE INSTITUTE.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That for the management and control of an institution of learning located at Scyene, Dallas county, and styled Scyene Masonic Male and Female Institute, J. R. Clements, E. E. Russell, H. C. Sweet, F. W. Humphries, M. J. McGee, and Steph. H. Miller, are hereby constituted a board of trustees, and that they and their successors in office are made a body corporate, capable in law of suing and being sued, and of holding or alienating property, real and personal.

SEC. 2. That said board of trustees shall have succession, shall have a common seal, may hold property to the amount of twenty thousand dollars, and may do all things necessary and incident to the maintenance and promotion of good morals and sound learning, not inconsistent with the Constitution and laws of the United States or of this State.

SEC. 3. That this act take effect from and after its passage.

Approved October 24, 1871.

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## CHAPTER XL.

AN ACT TO INCORPORATE THE TEXAS LAND AND IMMIGRATION COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That T. B. Reynolds, Thomas Kearney, W. W. Phelps and Ira H. Evans, and their associates, be and they are hereby incorporated and declared to be a body corporate and politic, under the name of the Texas Land and Immigration Company, and under such name may transfer their rights by succession, and shall be persons in law capable of suing and being sued, impleading and being impleaded, and that they any their successors, by the same name and style, shall be in law capable of holding and conveying and estate, real, personal or mixed, and doing and performing all things necessary for the business of said company, and not contrary to the Constitution and laws of this State. Said company shall have a corporate seal, with such device as they may select.

SEC. 2. That the objects of said company are declared to be to promote immigration to Texas, to facilitate the sale and purchase and the settlement of lands by immigration, and to introduce laborers, skilled operators and capital into the State.

SEC. 3. That the capital stock of said company shall be one million of dollars, divided into shares of one hundred dollars each, and the said company may commence operations with all the powers and penalties of this act whenever fifty thousand dollars of the capital stock shall have been subscribed.

SEC. 4. That the management of the affairs of said company shall be conducted by a board of directors, and under such rules and regulations as the stockholders may determine at their first regular meeting; and the organization of said company and appointment of officers shall take place at such meeting.

SEC. 5. That the company may dissolve by a vote of two-thirds of the issued stock, in which event, after the payment of all outstanding obligations, the land and other possessions held by the company shall be sold at public auction, to be paid for in outstanding shares of the capital stock of the company, until all such outstanding shares shall have been redeemed, and if not sooner dissolved its rights and franchises shall expire by limitation in thirty (30) years.

SEC. 6. That a majority of the board of directors of said company shall have power to pass all necessary regulations, ordinances and by-laws for the regulation and government of said company in

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its business and contracts as are not in contravention of the Constitution and laws of this State.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved October 24, 1871.

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## CHAPTER XLI.

AN ACT TO INCORPORATE VICTORIA FIRE COMPANY NO. 1.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That John M. Brownson, N. A. Thomson, E. H. Gaylord, J. E. Moody, S. H. Barton, W. L. Wheeler, John Mahon, F. R. Pridham, and their associates and successors shall be and they are hereby constituted a body politic and corporate under the name and style of Victoria Fire Company No. 1, in the town of Victoria, county of Victoria, and State of Texas.

SEC. 2. That the said corporate company shall have power to sue and be sued, to appear and prosecute to final judgment in any court or elsewhere; to have and keep a common seal with such device as they may adopt; to receive hold and grant, as prescribed by law, real and personal property; that the real and personal property of said corporate company shall at no time exceed in value the sum of twenty-five ($25,000) thousand dollars; to enter into all contracts and perform all acts not in conflict with the Constitution and laws of the State of Texas.

SEC. 3. That said corporate company shall have power to establish and adopt laws, not inconsistent with the Constitution and laws of this State, for the government and regulation of their affairs; to alter, amend and repeal at pleasure any of said laws as shall best promote their good government; to prescribe rules and regulations for the election of officers and their respective duties; to inflict penalties on all those violating the laws and ordinances of said company, by fine, suspension or expulsion.

SEC. 4. That said company shall never exceed seventy-five (75) men, rank and file; and that the actual members of said company shall, after having served in said company for the term of twelve months, be exempt from service in the State militia except in time of actual insurrection, rebellion or war, and shall also be exempt from serving on juries, except in capital cases.

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SEC. 5. That the engine, machinery and all implements actually used for the extinguishing of fires, together with a building for housing the same, shall be exempt from all taxation, and that this act shall take effect from and after its passage.

Passed October 25, 1871.

The foregoing act, received in the office of Secretary of State November thirteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER XLII.

AN ACT TO INCORPORATE THE STAR MINING AND TRANSPORTATION COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That H. S. Youngjohn, J. P. Brooks, F. E. Grothaus, S. H. Flint, G. W. Levin, or any two of them, and such persons as they may hereafter associate with them, are hereby created a body corporate under the name of the "Star Mining and Transportation Company."

SEC. 2. That said company shall have the right to sue and be sued, plead and be impleaded in their corporate name; to contract for and purchase real estate or personal property, or any interest therein, and to hold and dispose of the same; to purchase and set up and operate all species of mining apparatus ordinarily used or to be used in the smelting and reducing of copper, iron and other ores, and generally, under said corporate name, to conduct a mining business in the State of Texas.

SEC. 3. That said company shall organize as soon as a capital stock of twenty-five thousand dollars shall have been subscribed and five per cent. thereon paid in, to the above named parties, who are authorized in their own names, or by duly authorized agents, under powers of attorney, to jointly open books of subscription for stock in said company, the stock to be in such form and for such amount

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per share, face value, as they may jointly determine to be most convenient. When the amount of twenty-five thousand dollars worth of stock shall have been taken and five per cent. of the amount paid in to the above named parties, they shall give five days' notice to all the stockholders of a time and place of meeting, to organize said company, and at such meeting said stockholders shall organize by the election of a president, vice president, treasurer and secretary, and such other officers as they may deem necessary. A majority vote of the stockholders shall be sufficient in any election at the first organization of said company; said stockholders to have one vote for each share of stock. They shall also have the right to pass all necessary by-laws for the government of the company. Said capital stock may be increased to any amount not exceeding ten million dollars.

SEC. 4. That the issue of stock and the organization of the company may be done and had at any point within the United States, and the directors of said company shall not necessarily be citizens of the State of Texas.

SEC. 5. That said company while operating any mine or mines, or preparatory thereto, shall have the right to locate and construct any railroad so as to connect said mine or mines, on the most desirable route, with any general railroad line, or any point for transportation or shipment of the products of their mines, which to them may seem advisable, and shall be the owners of such road or roads, and have and enjoy the same rights in the location, construction and operation of any such railroad or railroads as have been granted by the general laws of the State of Texas to any railroad company or to promote and aid the construction thereof; the object being to encourage and aid the development of the mineral wealth of the State and means for the rapid and cheap transportation of the products of her mines to home or foreign markets.

SEC. 6. That this act shall take effect from and after its passage, and remain in force for ninety years.

Passed October 26, 1871.

The foregoing act, received in the office of Secretary of State November thirteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER XLIII.

AN ACT TO ESTABLISH A FERRY ACROSS THE SABINE RIVER AT MANN'S BLUFF IN THE COUNTY OF PANOLA.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Drue Simmons be and he is hereby authorized to establish a ferry across the Sabine river at Mann's Bluff, in the county of Panola.

SEC. 2. That it shall be the duty of the said Drue Simmons to provide and keep in good repair all necessary and sufficient boats for the transportation across said river of all passengers, wagons and other wheel carriages, horses, oxen and stock of every description, and that upon providing and keeping such boats in good repair, he shall have the right to use and enjoy said ferry at said place for and during the term of twenty years.

SEC. 3. That the said Drue Simmons shall have, for and during said term of twenty years, the right to charge the following rates of toll for crossing passengers, carriages, wagons or stock at said ferry, to-wit: For one man and horse, ten cents; for buggy or wagon and horse, twenty-five cents; for carriage or wagon and two horses, thirty-five cents; for four horses or oxen and wagon, fifty cents; for foot passengers, five cents each; and for live stock five cents per head, except sheep, goats and hogs, for which two cents per head; *provided*, that the said Drue Simmons may charge double these rates when the waters of the said river are overflowing its banks. No other person or persons shall have the right to establish or run a ferry within one and one-half miles of the ferry hereby incorporated for the term of twenty years from and after the passage of this act.

SEC. 4. That the said Drue Simmons shall enter into bond of one thousand dollars, with sufficient security, payable to the district clerk of Panola county, and to his successors in office, for all damages that may accrue from neglect of duty.

SEC. 5. That this act shall take effect from and after its passage.

Passed October 27, 1871.

The foregoing act, received in the office of Secretary of State November thirteenth, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER XLIV.

AN ACT TO INCORPORATE THE MUTUAL AID SOCIETY OF THE CITY OF HOUSTON.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That there may be created, and the same is hereby authorized to be created, a benevolent society in the city of Houston, for the purpose of aiding each other in distress, sickness or want, or in death, which society shall be a corporate body, and shall be known as the Mutual Aid Society of the city of Houston, which shall be able to sue and be sued, and have a common seal, which may be changed at pleasure, and shall be entitled to own, hold or lease property for the purposes of its organization, or to dispose of the same, and have all the powers ordinarily incident to corporations and bodies politic; and the following named persons, Elias Dibble, Richard Allen, George Sanders, Peter Noble, Jerry Smith, John Graham and J. J. Heller, are hereby named as commissioners, together with their associates and successors, to organize the said corporation, and are vested with full corporate power in the first instance.

SEC. 2. The said corporation shall be governed according to such rules and regulations as they may adopt, but which shall in no manner be in contravention of the laws of the land, and shall have such officers for such duties in such society as may be designated.

SEC. 3. A board of managers shall be organized, of as many persons as the commissioners and their associates may designate, who may enact by-laws, rules and regulations for the government of such society.

SEC. 4. The objects of said society shall be of a purely benevolent character, and all contributions shall be for charitable purposes only, after the acquisition of all necessary lands and buildings and paraphernalia.

SEC. 5. The board of managers shall be elected annually by the members of the society, after the first year, but the commissioners shall appoint the first board of managers.

SEC. 6. The board of managers shall appoint all the officers of the society, and may establish such degrees of membership as they may deem proper.

SEC. 7. The rates of dues of members shall be fixed by the members after organization, as well as the rates of initiation.

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SEC. 8. This society when organized shall have all the corporate powers contemplated by this act.

SEC. 9. This act shall take effect from and after its passage.

Approved October 28, 1871.

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## CHAPTER XLV.

AN ACT TO INCORPORATE THE GERMANIA CLUB OF BRENHAM.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That C. Witteborg, C. Schuetz, F. Gehrman, R. Hoffman, H. Levy, A. J. Koenig, L. Zeiss, W. Zeiss, J. C. Neumann, Theo. Giesecke and J. H. Scheuck, and their associates and successors, be and they are hereby constituted a body politic and corporate, for the purpose of gymnastic exercises, social entertainments and pleasures, by the name and style of the Germania Club, and by that name may have succession, sue and be sued, prosecute and defend, in any of the courts of the State of Texas; may grant, purchase and receive real and personal property; *provided*, the amount of property held by said corporation shall at no time exceed fifty thousand dollars in value; and may have a common seal, to be altered or changed by the will of said corporation; may adopt such a constitution, by-laws and regulations for the management of said association as the members thereof may deem proper, not inconsistent with the laws of this State.

SEC. 2. That said association shall not be liable to pay any occupation tax (State, county or municipal,) upon their gymnastic exercises or social entertainments for pleasure.

SEC. 3. That said association shall be governed by a president, two vice-presidents, secretary and treasurer, elected by the members of said association.

SEC. 4. That this act take effect and be in force from and after its passage, and shall remain in force fifty years.

Approved October 28, 1871.

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## CHAPTER XLVI.

AN ACT TO INCORPORATE THE TOWN OF LOCKHART, IN CALDWELL COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the citizens of the town of Lockhart, in Caldwell county, be and they are hereby declared a body politic and corporate, under the name and style of the corporation of the town of Lockhart, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real and personal; *provided*, such real property is situated within the limits of said corporation.

SEC. 2. That the limits of said corporation shall extend one mile in a square, so laid off as to leave the public square in the centre of said corporation.

SEC. 3. That it shall be the duty of the citizens of said corporation to elect a mayor, five aldermen and a constable, who shall also be, *ex officio*, assessor and collector of taxes; and a treasurer and secretary shall be elected by said mayor and aldermen. The treasurer, assessor and collector of taxes shall be required to give bond, with good security, to be approved by said mayor and board of aldermen, for the faithful performance of their duties, and to make reports when required by said board of officers; and the mayor shall have power, when necessary, to suppress riots and disturbances and to call out the citizens of said corporation for the purpose of restoring order.

SEC. 4. That the mayor, board of aldermen and constable shall, for the present time and until the next general election, be appointed as provided for in an act entitled "An act to authorize the Governor to appoint certain officers to fill vacancies;" and upon the expiration of their term of office there shall be an election held, under the direction of the mayor, who shall give at least ten days' notice of such election before his term of office shall expire; and said election for the officers as aforesaid shall be held every two years thereafter; and all male inhabitants who have resided within its limits for the term of four months preceding, and who are qualified voters under the Constitution and laws of this State, shall be deemed qualified electors of said corporation.

SEC. 5. That the mayor and board of aldermen of said corporation shall have power to pass such rules, regulations and ordinances as may be necessary for the regulation of the police and the



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preservation of good order within the corporation limits; for the levying of taxes; for the removal of nuisances and keeping the streets in good order; for building a market house; for improving and ornamenting public property within said corporation limits, and for any and all other purposes tending to promote good order and government; and they shall have power to prescribe and enforce the collection of tax penalties for the violation of the ordinances of the corporation; *provided*, no tax shall ever be levied exceeding one-half of the State tax allowed by law; *and provided, further*, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than one week.

SEC. 6. That the mayor, with a majority of the board of aldermen, shall constitute a quorum for the transaction of business, and in the absence of the mayor, the board of aldermen shall elect one of their number mayor *pro tempore*.

SEC. 7. That this act take effect and be in force from and after its passage, and that all acts and parts of acts in conflict herewith are hereby repealed.

Approved October 28, 1871.

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## CHAPTER XLVII.

AN ACT TO INCORPORATE THE JEFFERSON STEAM FIRE COMPANY NUMBER ONE, OF THE CITY OF JEFFERSON.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That R. E. Cortes, G. Briant, James Hogan, E. Marx, C. Campbell, L. S. Schueter, W. P. Williams, P. M. Graham, F. Stutz, W. H. Johnson and Henry Benners, of the city of Jefferson and county of Marion, and their associates and successors, shall be, and they are hereby constituted a body, politic and corporate, as a steam fire company for the city of Jefferson, under the name of "Jefferson Steam Fire Company No. 1," with power to sue and be sued, plead and be impleaded, to appear and prosecute to final judgement in any court, or elsewhere; to have a common seal with such device as they may adopt; to elect in whatever manner they may choose, the officers necessary to command them; to establish by-laws for the government and regulation of their officers, not inconsistent with the Constitution and laws of this State, and the same to alter and amend at pleasure; and to hold real and per-

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sonal property, and to dispose of the same; *provided, however*, such real estate and personal property shall, at no time exceed the sum of twenty-five thousand dollars in value, and that the number of said company shall never exceed forty members, rank and file.

SEC. 2. The actual and active members of said company shall be exempt from serving on juries, except in capital cases.

SEC. 3. That said company shall have power by their constitution and by-laws to try all violators of their own ordinances agreed upon by a majority of the members of said company; to suspend, expel or fine, not exceeding ten dollars those violating the constitution and laws of said company.

SEC. 4. That this act of incorporation shall be and continue in force for and during the term of thirty-nine years from and after its passage.

Passed October 30, 1871.

The foregoing act, received in the office of Secretary of State November thirteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER XLVIII.

### AN ACT TO INCORPORATE THE RICHMOND RELIEF DRAMATIC CLUB OF RICHMOND, FORT BEND COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That W. H. Albertson, S. D. Calder, W. L. Davidson, Gustave Cook, Geo. A. Ferries, and their associates and successors, be and they are hereby created a body corporate and politic under the name and title of the Richmond Relief Dramatic Club, with capacity in said corporate name to make contracts, to purchase and hold property, real and personal, to have successors, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, and generally to do and perform all such acts and things that may be necessary to the fulfillment of

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its obligations or the maintenance of its rights under this act, and consistent with the Constitution of the State.

SEC. 2. That the said Relief Dramatic Club may give theatrical exhibitions, and charge for admission thereto a sum not exceeding one dollar.

SEC. 3. That the net proceeds from the said exhibition shall be applied to charitable purposes.

SEC. 4. That said Dramatic Club shall not be required to pay any State or county tax on its exhibitions.

SEC. 5. That this act be in force from the passage hereof.

Passed October 30, 1871.

The foregoing act, received in the office of Secretary of State November twenty, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER XLIX.

AN ACT GRANTING TO B. F. COLBERT THE PRIVILEGE OF CONSTRUCTING A FERRY ACROSS RED RIVER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the privilege is hereby granted B. F. Colbert, his heirs or assigns, and he or they are hereby authorized to construct a ferry across Red River, at a point known as Colbert's ferry, in the county of Grayson, in this State, and that the privilege hereby granted shall extend and inure to the said B. F. Colbert, his heirs or assigns, for and during the space of twenty-five years, from the passage of this act.

SEC. 2. That the said B. F. Colbert, his heirs or assigns, shall be bound during the term aforesaid, to keep in good order a boat or flat sufficient at all times to transport and ferry across said Red River all wagons, horses, cattle, persons and property, with safety and convenience, and to keep and maintain the bank on the Texas side of said river, to low water mark, so as to insure the safe em-

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barkation of all persons and property ferried across said river at said ferry.

SEC. 3. That the County Court of Grayson county shall appoint two commissioners, on the application of said proprietor of the said ferry, citizens of said county, whose duty it shall be to examine and approve said ferry and report the same, when completed, to said court at a regular meeting thereof, the expense of said commission to be paid by B. F. Colbert.

SEC. 4. That whenever said ferry shall have been examined and reported in good order and repair, by the commissioners appointed for that purpose, in the manner prescribed by law, the proprietor may demand and receive from each and every person passing over said ferry the following rates of toll: For each six horse or ox team with wagon, one dollar; for each four horse or ox team with wagon, one dollar; for each three horse team with wagon, seventy-five cents; for each two horse buggy or other vehicle, fifty cents; for each one horse buggy or other vehicle forty cents; for each man and horse, fifteen cents; for each footman, five cents; for horses, cattle and mules, per head, two cents; for sheep or hogs, per head, one cent.

SEC. 5. That the said B. F. Colbert, his heirs or assigns, shall annually execute and deliver to the clerk of the district court of Grayson county a bond in the same manner as required of persons licensed to keep a public ferry by the said court; and such proceedings may be had on any bond so given by the said B. F. Colbert, his heirs or assigns, as on bonds required by law to be given by ferrymen generally.

SEC. 6. It shall not be lawful for any person to erect any toll bridge or establish a ferry, within three miles of the location of this ferry, during the period of time allotted to the said Colbert, his heirs or assigns.

SEC. 7. That the said B. F. Colbert, his heirs or assigns, shall have the privilege of the south bank of Red River, where his ferry is now situated, for a ferry landing, for the term of twenty-five years from the granting of this charter.

SEC. 8. That any act coming in conflict with this act is hereby repealed.

SEC. 9. That this act shall take effect and be in force from and after its passage.

Passed October 31, 1871.

The foregoing act, received in the office of Secretary of State November twenty, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and

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not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER L.

AN ACT TO REPEAL AN ACT, APPROVED AUGUST 10, 1870, ENTITLED AN ACT TO AMEND AN ACT TO INCORPORATE HERMAN'S UNIVERSITY, APPROVED JANUARY 27, 1844, AS AMENDED BY AN ACT PASSED APRIL 11, 1846.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the above entitled act, approved August 10, 1870, be and the same is hereby repealed.

SEC. 11. That this act take effect and be in force from and after its passage.

Approved November 1, 1871.

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## CHAPTER LI.

AN ACT FOR THE RELIEF OF R. S. BRAME.

WHEREAS, The sum of seventeen hundred and seven dollars and fifty cents, State tax, collected by R. S. Brame, Assessor and Collector for Lamar county, in the year A. D. 1866, was, on the night of December 25, 1866, stolen from the safe of Wright & Gibbons, in the city of Paris, Texas; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That said R. S. Brame and the sureties on his bond, be and they are hereby released from all liability to the State on account of the loss of the aforesaid sum of money.

SEC. 2. This act shall take effect and be in force from its passage.

Passed November 1, 1871.

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The foregoing act, received in the office of Secretary of State November twenty-two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

## CHAPTER LII.

AN ACT TO INCORPORATE THE RICHMOND BRIDGE COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Charles E. Bateman, Thomas Sheriff, Richard Allen, John Mackley, Fred Webber, John C. Mitchell, and such other persons as they may associate with them, and their successors in office, be and they are hereby created a body corporate under the name and style of the Richmond Bridge Company, and as such may sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal, and generally to do and perform all acts necessary to carry out the objects of this charter not inconsistent with the Constitution and laws of this State and of the United States. The said company may hold and own such property, both real and personal, as it may deem necessary, not to exceed two hundred thousand dollars in value.

SEC. 2. That it shall be the duty of said company to build a good, safe and substantial bridge across the Brazos river from a point at or near the town of Richmond, in Fort Bend county, to the east bank of said Brazos river, said bridge to be commenced within three years from and after the passage of this act.

SEC. 3. That when said bridge shall be completed, the said company are authorized to demand and receive from each and every person crossing said bridge or crossing their property over the same, after its completion, a toll not to exceed the following rates, to-wit: For each wagon, cart, carriage, or other vehicle drawn by more than two horses or other animals, twenty cents per wheel and five cents for each animal by which the same is drawn; and when the same is drawn by two animals or less, ten cents per wheel and five cents for each animal by which the same is drawn; for each animal and rider,

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ten cents; for each loose animal of the cattle kind, five cents; for each loose horse, mule, jack or jennet, five cents; for each foot passenger, five cents; for each sheep, hog or goat, three cents.

SEC. 4. That no person shall be authorized or allowed to erect any bridge except such as are to be used by railroads, or keep any public ferry across said Brazos river at or within five miles of the said company's bridge, after the said bridge herein authorized is completed; *provided*, that in case said bridge should get out of repair, said company may keep a ferry boat until the said bridge is put in repair.

SEC. 5. That this charter of incorporation continue and remain in force twenty-five years.

Passed November 1, 1871.

The foregoing act, received in the office of Secretary of State, November twenty, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LIII.

AN ACT TO AUTHORIZE JAMES R. HARRINGTON TO ERECT A TOLL BRIDGE OVER WHITE ROCK CREEK, IN HILL COUNTY, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That James R. Harrington be and he is hereby authorized and empowered to erect a toll bridge over White Rock creek, in the county of Hill, where the public road leading from Waco to Dallas, and also the public road leading from Hillsboro to Corsicana, crosses said creek, and that he is authorized and empowered to charge, receive and collect toll for crossing said bridge at the rates allowed by the Police Court of Hill county.

SEC. 2. That the rights and privileges herein granted shall inure to the benefit of said Harrington, his heirs and assigns for the period of twenty-five years; *provided, however*, that in order to secure the privileges conferred by this act, he shall by the first

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day of January, 1872, erect and construct a good, safe and substantial bridge over said creek at the place designated in section one of this act, and shall keep the same in good repair; and in the event of any accident or casualty destroying said bridge, the said Harrington shall reconstruct the same within twelve months from the date of such accident or casualty; otherwise the franchise herein granted shall abate.

SEC. 3. That no bridge shall be permitted or allowed to collect toll within two miles above or below said bridge.

SEC. 4. That this act take effect and be in force from and after its passage.

Passed November 2, 1871.

The foregoing act, received in the office of Secretary of State November twenty, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

## CHAPTER LIV.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE BANK OF CLEBURNE, APPROVED SEPTEMBER 30, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of of Texas*, That the name of the bank mentioned in said amendatory act, shall be changed from that of the Savings Bank of Cleburne, and that said institution shall hereafter be known and called by the name of the Savings Bank of Austin, and that the principal office of said corporation shall hereafter be located in the city of Austin, county of Travis, State of Texas.

SEC. 2. That this act shall be in force and take effect from and after its passage.

Approved November 4, 1871.

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## CHAPTER LV.

AN ACT TO AMEND THE THIRD SECTION OF AN ACT TO INCORPORATE THE CARTHAGE BRANCH RAILWAY COMPANY, APPROVED MAY 22, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the third section of the above recited act be so amended as hereafter to read as follows: "Section 3. That said company shall have the right to construct, own and operate a first class railroad of whatever gauge they may see proper, either from Waskom's Station, in Harrison county, or from the city of Marshall, in Harrison county, as said company may elect; thence by the nearest practicable route to the town of Carthage, in Panola county. That said company shall have the right to connect their road with the Southern Pacific Railroad, and to connect with or cross any intervening railroad chartered by this State."

SEC. 2. That this act take effect and be in force from and after its passage.

Approved November 6, 1871.

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## CHAPTER LVI.

AN ACT TO INCORPORATE THE BUFFALO WAREHOUSE AND COMPRESS COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That there may be established in the city of Houston a company which shall be styled, named and known as the Buffalo Warehouse and Compress Company, and the stockholders therein and their successors shall have succession, and by that name may make contracts, acquire, hold, grant and convey personal property and real estate, sue and be sued, make, have and use a common seal, and generally to do any act which may promote the interest of the company in its business, or facilitate in carrying into effect the objects of the corporation, not inconsistent with the laws and Constitution of this State.

SEC. 2. That said company shall have the right to own, build,

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erect and maintain, at such eligible location in the city of Houston, or within five miles thereof, as may be selected by the directors, the necessary warehouses, compresses, buildings and structures, as may be necessary or convenient for the purposes of the company; to receive, store, repair, re-bale and compress cotton; to warehouse all manner of merchandise and produce that may be offered, and to make, fix, demand and receive uniform rates of charges.

SEC. 3. That the capital stock of said company may be fixed at any amount not to exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and each share shall entitle the holder thereof to one vote in all meetings of the stockholders, either in person or by proxy; said shares shall be held and deemed personal property, and may be assignable on the books of the company, under such rules and regulations as may be prescribed by the by-laws of the company. No stockholder shall be liable for the debts of said company beyond the amount that may be due and unpaid upon the stock.

SEC. 4. That the stockholders at any meeting called for that purpose, of which five days' notice shall have been previously given in some newspaper published in the city of Houston, may make by-laws prescribing, first, the number of directors and other officers and agents, their duties and terms of office, and may delegate to such directors, officers and agents such general and special powers as may be deemed advisable; second, the amount that shall be paid in by the subscribers at the time of subscription as an assessment upon the capital stock, and provide for future calls and assessments; third, the manner in which vacancies shall be filled, the number of directors that shall constitute a quorum for the transaction of business, and the manner in which the certificates of stock shall be assigned on the books of the company; fourth, how, when and in what manner the stock of delinquent subscribers to the capital stock may be forfeited and sold upon non-payment of calls and assessments; fifth, the times for holding elections for officers; sixth, and all other needful rules and regulations, concerning the business of said company, as may be necessary and proper, to give full force, effect and operation to the charter. not inconsistent with the provisions thereof and the laws of the State; and the by-laws may be changed, from time to time, as may be therein prescribed; and in all meetings of the stockholders the majority of stock voted shall control and govern.

SEC. 5. That the books of subscription to the capital stock may be opened in the city of Houston under the direction and supervision of Wm. Christian, John Shearn, C. Ennis, W. J. Hutchins, T. W. House, W. Alexander, H. R. Percy, A. Groesbeck, F. A. Rice,

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W. R. Baker and J. E. Whittlesey, and the said company may be organized whenever stock to the amount of thirty thousand dollars shall be subscribed for.

SEC. 6. That this act be in force for the term of twenty-five years from and after its passage.

Approved November 6, 1871.

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## CHAPTER LVII.

### AN ACT TO INCORPORATE THE ROCKPORT, FULTON, LAREDO AND MEXICAN PACIFIC RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. M. Mathis, G. W. Fulton, John W. Baylor, Richard King, Thos. O'Conner, J. H. Wood, Thos. M. Coleman, J. M. Doughty, Wm. S. Hall, T. M. Dennis, John Hynes, Owen Gaffney, and their associates and successors be and they are hereby created a body corporate and politic by the name and style of the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, and, under such name and style shall have succession for the term of ninety-nine years, with power to elect officers, enact by-laws, adopt a common seal, own property, either personal, real or mixed, and to dispose of the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, and may do and perform all the acts, and shall have all the rights, privileges and immunities incident or pertaining by law to similar corporations.

SEC. 2. The object of this company shall be to establish, construct, complete, maintain and operate a first class railroad from and beginning at or near Rockport and Fulton on Aransas Bay to Laredo on the Rio Grande, or to some more convenient point upon said river, with the ultimate view of connecting with a railroad within the Republic of Mexico, from some point upon the Gulf of California. And the company are hereby given, granted and endowed with all the general and special powers necessary to enable them to carry out and fully consummate said object; to purchase lands, accept donations or grants of land, or any other property; and J. M. Doughty shall be and he is hereby authorized to act as Commissioner of organization to negotiate with capitalists for means to be used in aid of the construction of said road, subject to the ratification of

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a majority of the corporators herein named when the organization of the company shall have been completed.

SEC. 3. The persons named in section one of this act constitute a board of directors, a majority of whom shall meet in the town of Rockport, Texas, within ninety days after the passage of this act, and organize said company by electing a president, vice-president, secretary and treasurer, adopt a code of by-laws for their government under this charter, and may provide for the opening of books to receive subscriptions to the capital stock of the company.

SEC. 4. The capital stock of said company shall be subscribed and held in shares of one hundred dollars each, to be held and regarded as personal property, and each share shall entitle the holder, in person or by authorized proxy, to one vote in all the elections of the company; the stock to be paid in accordance with the provisions of the by-laws of the company or be subject to sale or forfeiture, and shall be transferable. The capital stock shall amount to five millions of dollars, and may be increased to fifteen millions if required, and the company may establish offices and agencies out of the State for the purpose of securing subscriptions to said stock and to facilitate the transfer or negotiation of the same, and for the general objects of the company.

SEC. 5. When four hundred thousand dollars of stock shall have been subscribed or secured to the satisfaction of the directors, and five per cent. thereof paid, the president of the company shall, by thirty days' notice, cause the stockholders to meet in the town of Rockport aforesaid, and elect from their number a board of directors of not less than nine individuals, five of whom shall constitute a quorum to do business, who shall hold their offices for a term of one year, or until their successors are elected and duly qualified; and the said directors shall elect from their number a president, vice president, secretary and treasurer, and thereafter regular elections for directors and officers shall be held annually on the first Wednesday in May.

SEC. 6. The company may receive as subscription to their stock, or as donations, or may purchase any lands in the State, and may hold, use, or in any way hypothecate the same so as to make them available as a basis of credit, or otherwise, for raising means to perfect the objects of the company.

SEC. 7. The right of way is hereby granted to the company through all of the public domain through which the line of said road may be located, to the extent of one hundred feet on each side of the road line, and also to a sufficient extent beyond the one hundred feet for all necessary turnouts, stations, switches, turn-tables, machine shops, water tanks or other construction appurtenances. The

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company are also authorized to use any earth, stone, gravel or timber therefrom within five miles of said road necessary for the construction and maintenance of said road; said company shall acquire its right of way through lands patented or lands owned by private parties, in accordance with the provisions of the general railroad law of the State governing such matters.

SEC. 8. The company may form connection or consolidation with the Corpus Christi road, or any other road or company, with the consent of the several companies interested; may cross any other roads or thoroughfares, and bridge any streams necessary to facilitate the construction of said road.

SEC. 9. The company may adopt such gauge and plan of road as they may find most conducive to their interests, or most suitable to the necessities and wants of the country, and may alter or change the same at pleasure.

SEC. 10. The company shall have the power to borrow money, issue bonds or other bills of credit, with or without mortgage; and generally this company shall have all power requisite to carry into successful effect all the objects of the company.

SEC. 11. The company may establish its principal business office at either terminus, or any other point on the road that may be determined by the directors, and all meetings of stockholders and elections of officers shall be held at the same.

SEC. 12. The company shall have power to charge and collect such rates of freight and passage as may by them be deemed just and proper, not to exceed rates established by law.

SEC. 13. The company shall complete and put in thorough running order, within two years from the organization of the company under this charter, a section of at least ten miles; and within five years from said organization shall have a further section of one hundred miles completed, as aforesaid; and the remainder of said road shall be completed within two years thereafter; *provided*, that a consolidation or connection with any other road shall be deemed a compliance with the terms of this charter, and the company shall not then be required to construct their road farther.

SEC. 14. Further, that this company shall have the right to locate, construct, maintain and operate a telegraph line along the line of said road, if deemed by the company necessary to the furtherance of their interests, subject to any general law of the State or of the United States governing telegraph lines.

SEC. 15. That this act take effect and be in force from and after its passage.

Approved November 11, 1871.

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## CHAPTER LVIII.

AN ACT TO AUTHORIZE SIM DAVIS, HIS ASSOCIATES AND SUCCESSORS, TO CONSTRUCT OWN, AND KEEP A TOLL BRIDGE ON SULPHUR FORK OF RED RIVER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Sim Davis, and such other persons as he may associate with him, and their successors, be and they are hereby authorized to construct, own and keep a toll bridge across Sulphur Fork of Red River, at the crossing known as Culp's crossing on said stream, between the counties of Titus and Red River.

SEC. 2. *Be it further enacted*. That said Sim Davis and his associates shall, within two years from and after the passage of this act, construct a good and substantial bridge across said stream at said crossing, and shall be required to keep said bridge in good, safe condition for crossing wagons, stock and persons, under penalty of forfeiture of all rights conferred by this act; *provided*, that should high water prevent or hinder the work, then, upon satisfactory proof of the fact, the County Court of Titus county shall be empowered to extend the time within which said Sim Davis and associates are, by the provisions of this act, required to complete said work for such time as they may have been delayed.

SEC. 3. That said Sim Davis and associates are authorized to contract for and acquire the right of way and such material as may be necessary for the construction of said bridge in accordance with the laws of the State of Texas. And when said bridge is completed and in good condition for crossing, said Davis and associates shall have the right to demand, receive and collect the following rates of toll, viz: For each wagon with six horses or oxen, one dollar ($1 00); for each wagon or other vehicle drawn by four horses or oxen, seventy-five cents (75 cts.); for each wagon or other vehicle drawn by two horses or oxen, fifty cents (50 cts.); for each wagon or other vehicle drawn by one horse or ox, twenty-five cents (25 cts.); for each person on horseback, ten cents (10 cts.); for each footman, five cents (5 cts.); for each loose horse and head of cattle, five cents (5 cts.); for each head of hogs or sheep, three cents (3 cts.)

SEC. 4. That this act take effect and be in force twenty-five years from and after its passage.

Passed November 11, 1871.

The foregoing act, received in the office of Secretary of State

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November twenty-two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

## CHAPTER LIX.

AN ACT TO INCORPORATE THE M'KINNEY ACADEMY ASSOCIATION.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. D. Newsome, J. F. Graves, Thos. Bradley, James H. Jenkins, Thos. J. Brown, Jordan O. Stroughn, and their associates, be and they are hereby constituted a body corporate and politic, under the name and style of the McKinney Academy Association, and by that name may sue and be sued; may plead and be impleaded; may contract and may hold property, real, personal and mixed, not to exceed in value fifty thousand dollars; may sell, encumber, or in any wise alienate the same; may have a common seal; may enact such rules and regulations for their government, for the promotion of education, not inconsistent with the laws of the State, as they may deem best; and may acquire property by purchase or gift, and dispose of the same.

SEC. 2. That the officers elected by said association may continue in office, or their places be filled when vacancies occur, as provided by the by-laws heretofore adopted by said association.

SEC. 3. That said association, as a body corporate and politic, may have succession for thirty years.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved November 13, 1871.

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## CHAPTER LX.

AN ACT TO INCORPORATE THE PHILOSOPHRONIAN SOCIETY OF TRINITY UNIVERSITY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. S. Abernathy, C. M. Bell, J. H. Bridges, B. T. Barry, J. S. Groves, J. L. Hardin, E. C. Hudson, J. J. Hodges, J. H. Campbell, M. Keossee, A. A. Lewis, J. L. Modrall, J. M. McReynolds, J. B. Sparks, R. O. Watkins, W. A. Watkins, V. W. Grubbs, W. L. Pulley, H. B. Milner, and their present and future associates, and successors, be and they are hereby incorporated and created a body politic and corporate, by the name and style of the Philosophronian Society of Trinity University, for the purpose of mutual improvement in the arts and sciences, and for the encouragement of scientific and literary pursuits; and by said corporate name shall have succession, with full power and capacity to sue and be sued; defend and be defended; plead and be impleaded, in any of the courts of this State; and shall be capable of acquiring by gift, grant, purchase or descent, title to property of any kind, whether real, personal or mixed, and may hold, improve, or alienate the same for the use of said society; may have a common seal, with such device as they may adopt; may form a constitution and establish by-laws, and may change or alter the same as they may deem necessary for for their own government, not contrary to the laws of the State; may make contracts, and may do and perform all other acts incident or appertaining to the powers herein granted.

SEC. 2. That in all suits or proceedings against said society, the service of process or of notice may be made by leaving a certified copy thereof with one of the principal officers of said society. All contracts or other obligations, made and entered into by said society, shall be attested by the officer or officers authorized by the by-laws of said society to contract for the same, together with the seal of said society.

SEC. 3. That this act take effect and be in force from and after its passage, for and during the period of twenty-five years.

Approved November 13, 1871.



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## CHAPTER LXI.

AN ACT TO AUTHORIZE S. A. COOK, HIS ASSOCIATES AND SUCCESSORS TO CONSTRUCT OVER AND KEEP A TOLL BRIDGE ON MINERAL BAYOU, IN GRAYSON COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That S. A. Cook, and such other persons as he may associate with him, and their successors, be and they are hereby authorized to construct, own and keep a toll bridge across Mineral bayou, about four or five miles above its mouth, in Grayson county, to be known as Cook's bridge.

SEC. 2. *Be it further enacted*, That said S. A. Cook, and his accociates, shall within one year from and after the passage of this act, construct a good and substantial bridge across said bayou, about four or five miles above its mouth, and on the road from Preston to Gainesville, and shall be required to keep said bridge in good order under the penalty of forfeiture of all rights conferred by this act.

SEC. 3. *Be it further enacted*, That said S. A. Cook, his associates and successors, when said bridge is completed, shall notify the County Court of Grayson county of such fact, and it shall be the duty of said court to appoint three commissioners, whose duty it shall be to visit and inspect said bridge, and to certify, under oath, to said court, at its next term, the condition and character of said bridge, and whether the same is substantial and safe for public use; and upon a favorable certificate, under oath, of said commissioners, the County Court shall require a bond in the sum of one thousand dollars, conditioned that the said S. A. Cook and associates shall be liable in damages for all injuries caused by neglect of keeping in good repair said bridge; said bond to be given and signed by said S. A. Cook and associates and successors, with two or more sureties, to be approved by the County Court.

SEC. 4. *Be it further enacted*, That said S. A. Cook and associates, and their successors, when said bridge is completed and received, and the bond is approved, shall have the right to demand, receive and collect the following rates of toll, viz: For each wagon with six horses or oxen, seventy-five cents (75 cts); for each wagon or vehicle drawn by four horses or oxen, fifty cents (50 cts); for each wagon or other vehicle drawn by two horses or oxen, thirty cents (30 cts); and for each carriage or buggy, twenty-five cents (25 cts); for each person on horseback, ten cents (10 cts); for each footman, five cents (5 cts); for each horse or head of

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cattle, five cents (5 cts); for each head of hogs or sheep, three cents (3 cts); said tolls shall be collected in the vicinity of said bridge; and no person shall have the right to erect a toll bridge or ferry within two miles above or below.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage, and remain in force for the term of twenty years.

Passed November 14, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXII.

AN ACT TO ESTABLISH A FERRY ACROSS THE NECHES RIVER, AT THE BODENHAMER CROSSING, COUNTY OF HOUSTON.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. W. Bodenhamer and W. W. Bodenhamer be and they are hereby authorized to establish a ferry across the Neches river, at the Bodenhamer crossing, Houston county, and no other person or persons shall have the right to establish or maintain a ferry or toll bridge within two miles above and below said crossing, for the period of twenty years.

SEC. 2. That it shall be the duty of the said J. W. Bodenhamer and W. W. Bodenhamer to procure and keep in good repair all necessary and sufficient boats for the transportation across said river of all passengers, wagons and other wheeled carriages, horses, oxen and stock of every description; and that upon the providing and keeping such boats in good order and repair, they shall have the right to use and enjoy said ferry, within the limits aforesaid, for and during the term of twenty years.

SEC. 3. That the said J. W. Bodenhamer and W. W. Bodenhamer shall have, for and during said term of twenty years, the

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right to charge the following rates of toll for crossing passengers, carriages, wagons or stock, at said ferry, viz.; For one man and horse, ten cents; for buggy or wagon and one horse, twenty-five cents; for carriage or wagon and two horses, thirty-five cents; for four horses or oxen and wagon, fifty cents; for footmen, five cents each; and for live stock, five cents per head; *provided*, that the said J. W. Bodenhamer and W. W. Bodenhamer may charge double these rates when the waters of the said river are overflowing its banks.

SEC. 4. That the said J. W. Bodenhamer and W. W. Bodenhamer shall enter into bond of one thousand dollars, with sufficient security, payable to the district clerk of Houston county or to his successors in office, for all damages that may accrue from neglect of duty.

SEC. 5. That this act take effect from and after its passage.

Passed November 14, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXIII.

AN ACT FOR THE RELIEF OF THE HEIRS OF CHRISTOPHER C. WILLIAMS, DECEASED.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That bounty certificate No. 9736, for three hundred and twenty acres of land, issued by B. F. Archer, Secretary of War, to Christopher C. Williams, on the fourteenth day of January, 1841, is hereby validated, and the Commissioner of the General Land Office is hereby authorized and required to issue patent upon the same.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Passed November 14, 1871.

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The foregoing act, received in the office of Secretary of State November twenty-three, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXIV.

AN ACT TO INCORPORATE THE LAKE CITY COTTON AND WOOL MANUFACTURING COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That there may be, and is hereby established, at the place known as Lake City, about four miles west of the city of Jefferson, Marion county, in this State, a company for the purpose of manufacturing cotton and wool which company shall be called and known by the name of the Lake City Cotton and Wool Manufacturing Company, and the stockholders and their successors shall have succession, and by that name shall be capable of making contracts, of suing and being sued in all the courts of this State; of purchasing, holding and conveying property of all descriptions, not to exceed in value fifty thousand dollars at any one time; to make, have and use a common seal, and the same to alter and renew at pleasure, and generally, to do any act necessary to carry into effect the objects of the corporation not inconsistent with the laws and the Constitution of this State or the United States.

SEC. 2. That the capital stock of this company shall be fifty thousand dollars, to be divided into one hundred shares of five hundred dollars each, to be paid in the following manner: two hundred and fifty dollars on each share at the time of subscription, and the residue at such time as the president and directors may direct, which said capital stock may hereafter be increased to one hundred thousand dollars, by the president and directors of the corporation, whenever a majority of the stockholders shall, by vote, so direct; the said stock shall be held as personal property, and if any stockholder shall neglect or refuse to make the payments as required, his stock may be sold by order of the president and directors, in such manner as

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may be provided in the by-laws of the company, and such stockholder shall be liable for the balance due by him as stockholder in the corporation as it becomes due, and may be sued for the same in any court of Marion county having jurisdiction of the amount.

SEC. 3. When the said sum of fifty thousand dollars shall be subscribed for, the stockholders shall, as soon thereafter as may be, call a meeting, and said stockholders shall proceed to the election of not less than three nor more than seven directors, as may be determined by them, and said directors shall elect one of their number president, and said president and directors elected in pursuance of this act shall have full power and authority to make, appoint and remove at pleasure, all officers and agents of said corporation; to fix their compensation, prescribe their duties, and generally, to manage the affairs of the corporation; they shall also have power to fill any vacancy which may occur in their body, and also, to appoint a president *pro tempore* when the president may be absent from their meetings, and if the president or any director be absent, without leave, from three consecutive regular meetings of the board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent president or director. Books of subscription shall be opened under the superintendence of John V. Ford, John H. Scott, M. B. Nash, L. H. Norwood, A. J. B. Garrett and R. H. Scott, or any two of them, and shall be kept open until said sum of fifty thousand dollars shall be subscribed for.

SEC. 4. That the directors of the corporation shall call an annual meeting of the stockholders, to make such election for directors, who, when so elected, shall hold their offices for the term of twelve months, or until their successors are elected; and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum, and each stockholder shall be allowed one vote for each share he holds, and the stock may be represented in person or by proxy, to be appointed in writing signed by the absent stockholder; *provided*, that no stockholder who has failed to pay any instalment on the stock which has been called for shall be permitted to vote at any meeting of the stockholders.

SEC. 5. The president and directors of the company shall annually divide to the stockholders thereof so much of the profits of the business of the company as in their discretion they shall deem proper and safe, which dividend, when declared, shall, in the discretion of the president and directors, be indorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may, in their discretion, be paid to the party so entitled; but no dividend of any of the profits of the company shall be made at any time, unless the capital paid in remain unimpaired;

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SEC. 6. That any increase in the capital stock of the company, beyond said amount of fifty thousand dollars, not to exceed one hundred thousand dollars, shall be by resolution of the stockholders, at their regular annual meeting. Said increased stock shall be divided into the same number and amount of shares, subscribed for and paid in the same manner as directed in the second section of this act; and the subscribers and stockholders shall be subject to the same duties and responsible in the same manner, and entitled to the same rights and privileges as in said section and other sections of this act are provided.

SEC. 7. That the president and directors of said corporation shall have power to fix the places and modes of transfer of certificates of stock, as well as the payment of interest and dividends. That a majority of the board of directors shall constitute a quorum for the transaction of business, and that said board of directors shall also have power to pass such by-laws as may be necessary to carry this act into effect, to delegate authority to such officer or person as they may deem proper, and to execute or authorize the execution of such bargains and contracts as may seem to them best for the interest of the corporation.

SEC. 8. That the said corporation shall be responsible to the extent of its property, and the stockholders to the extent of their respective stock not paid up. The officers of the company shall, during the month of January in each year, cause a full and accurate statement of the affairs of the company to be made out, which statement shall be signed by the president of the company, and recorded in its books.

SEC. 9. That this charter, and all the privileges and powers herein granted, shall continue in force and effect for the full term of twenty years from the passage of this act; and that the property, funds and business transactions of the corporation shall be subject to the same rates of taxation by law imposed on the property of individuals.

SEC. 10. That this act be in force from and after its passage.

Approved November 16, 1871.

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## CHAPTER LXV.

AN ACT TO INCORPORATE THE BENEVOLENT ASSOCIATION OF AUSTIN.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Julius Schutze, president; F. Bastian, C. Domschke, J. Quast, F. Settegast, F. Petitpierre and C. Wellmer as trustees, and their successors, be and they are hereby constituted a board of directors of the Benevolent Association established in the city of Austin, by which name it shall have succession and be capable of suing and being sued, of defending and being defended in any of the courts of this State, to acquire and hold estate, real, personal and mixed, to encumber, sell or otherwise alienate the same as said company may deem expedient.

SEC. 2. The object of this association is to provide for its members in case of sickness, medical attendance and medicines free of cost; to provide for the burial of a member or members in case of death, and to provide for the support of widows and orphans of deceased members of said association.

SEC. 3. The said corporation shall have power to enact such by-laws, rules and regulations for its government, and generally to do any and all things that may seem proper to its members for the promotion and interest of the association, not repugnant to the Constitution and laws of the State of Texas and the United States.

SEC. 4. That this act take effect and be in force from and after its passage,

Approved November 16, 1871.

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## CHAPTER LXVI.

AN ACT TO INCORPORATE THE ISLAND CITY GAS COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That T. W. Mather, Nathan Patten and F. C. Moseback, their associates and successors, be and are hereby constituted and declared to be a body politic and corporate under the name and style of the Island City Gas Company, with capacity to make contracts; to have succession and a common seal; to make by-laws for its gov-

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ernment, and in its corporate name to sue and be sued; to grant and receive, and generally to do and perform such acts and things as may be necessary and proper for, or incident to, the fulfillment of its objects or maintenance of its rights under this act and consistent with the provisions of the State Constitution.

SEC. 2. That the said company be and hereby is established with the right of erecting, owning and maintaining works for the generation of gas on Galveston Island, and laying down in the streets, lanes and alleys, and other public grounds, within the city of Galveston and the suburbs thereof, pipes for the conveyance of gas in and through said city and its suburbs.

SEC. 3. That the capital stock of said company shall be divided into shares of fifty dollars each, and the holders of such shares shall constitute said company, and each member shall be entitled to one vote in person, or by proxy, for each and every share he, she or they, may own; and such shares of stock shall be transferable alone upon the books of the company.

SEC. 4. That the affairs and business of said company shall be conducted and managed by a board of directors, not less than three nor more than seven, who shall be elected by the company at such time as the stockholders may appoint, and annually thereafter; *provided*, that in case of failure to elect at the stated time, the board of directors incumbent shall continue in office until there be an election, the time for which may be fixed by said board, whereof reasonable notice shall be given.

SEC. 5. That no person shall be eligible as a director unless he be the owner of five shares of the capital stock. The said board shall elect a president from their number, fill vacancies, and appoint such other officers and agents as they may deem necessary, and require securities for the faithful performance of their duties; also, prescribe the time for the payment of instalments or assessments upon the capital stock, and the amount of such instalments or assessments; to declare the forfeiture of such stock for non-payment; and to do or cause to be done all other lawful acts or things which they may deem necessary or proper in conducting the business of said company. A majority of said board of directors shall constitute a quorum for doing business. All instruments in writing, executed by the president and secretary under the seal of the company with the consent of the board of directors, shall be valid and binding.

SEC. 6. That the board shall have power to elect an agent or agents, who shall be members of said company, and whose name shall be made known to the public, and by whom the business of the corporation may be conducted under the powers given him by the board.

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SEC. 7. The company hereby intended to be chartered and established, shall in no case charge more than six dollars per one thousand feet of first quality of gas.

SEC. 8. That this act shall take effect from and after its passage.

Approved November 17, 1871.

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## CHAPTER LXVII.

AN ACT TO INCORPORATE G. M. JOHNSON LODGE NUMBER NINETY-SEVEN, INDEPENDENT ORDER OF ODD FELLOWS, AT STARVILLE, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. G. Human, N. G., and the subordinate officers and members of G. M. Johnson Lodge No. 97, I. O. O. F., located at Starville, Smith county, and their successors, are hereby created a body corporate and politic, with power to sue and be sued, plead and be impleaded, purchase, own and convey real estate, and receive conveyances of the same; make by-laws for the government of the lodge, have a common seal, and to do and perform all acts and things necessary to carry out the objects of their association.

SEC. 2. This act shall take effect and be in force from and after its passage, and remain in force fifty years.

Approved November 17, 1871.

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## CHAPTER LXVIII.

AN ACT TO INCORPORATE THE BRYAN HORTICULTURAL SOCIETY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That H. T. Downard, T. J. Dearing, Spencer Ford, T. T. Smothers, R. A. Blanford, Wm. McIntosh, C. F. Moore, H. A. Moore, H. Mitchell, S. D. Conger, Frank Clark, R. R. Gilbert, E. L. Ward and D. C. Barmese, their associates and successors, be and they are hereby incorporated by the name and style of the Bryan Horticultural Society, for the purpose of encouraging and

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improving the science and practice of horticulture, and promoting the amelioration of the various species of trees, fruits, plants and vegetables, and the introduction of new species and varieties, and for no other purpose whatever; with power to make by-laws, not inconsistent with the laws of this State, for the regulation of said society; to receive donations and bequests for promoting the objects of said society; to levy and collect assessments not exceeding twelve dollars per annum; to enforce the payment of such assessments by suit; to purchase, receive, occupy, hold and convey any real or personal estate which may be proper to carry out the objects of this association; to elect officers and appoint agents to transact the business, manage and apply the funds, discharge the functions and promote the objects thereof, and to commence, prosecute and defend suits, and use a common seal.

SEC. 2. That said society be and they are hereby authorized to appropriate any part of the real estate to be purchased by them for a garden, and for this purpose to lay out the same into suitable squares, lots, walks and mounds, and to plant and embellish the same with shrubbery, flowers, trees and rural ornaments.

SEC. 3. That a majority of the above named corporaters shall have power to call the first meeting and organize the corporation; and that this act take effect and be in force from and after its passage.

Approved November 17, 1871.

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## CHAPTER LXIX.

AN ACT TO ORGANIZE AND INCORPORATE THE PARIS AND BONHAM TAP OF THE MISSOURI, KANSAS AND TEXAS RAILROAD.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That John B. Bennett, Alfred S. Johnson, Sam Bell Maxey, H. S. Bennett, Geo. W. Wright, J. C. Blackman, B. S. Walcott, Samuel A. Roberts, Gideon Smith, S. B. Allen, Wm. A. Evans, Thomas B. Williams, J. P. Dumas, and their associates and successors, be and they are hereby constituted a body corporate and politic by the name and style of the Paris and Bonham Tap of the Missouri, Kansas and Texas Railroad Company, and by said name shall have succession and a common seal, with capacity to make contracts, and in its said corporate name to sue and be sued, to make

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by-laws for its general government and management, and generally to do and perform all such acts and things as may be necessary and proper for or incidental to the fulfillment of its obligations or the maintenance of its rights under this act, consistent with the Constitution of the State and the United States.

SEC. 2. Said company is hereby authorized to construct, own and maintain, and to equip and operate a continuous line of railway of such gauge as said company may deem best, as well as a telegraph line from the city of Paris, in Lamar county, by the most practicable route to the town of Bonham, in Fannin county, and thence by the most practicable route to a point of intersection with the Missouri, Kansas and Texas Railroad somewhere between Red River and the south boundary lines of the counties of Fannin and Grayson, as said company may deem most practicable.

SEC. 3. That to effect the objects of this corporation, the said company shall have the right, in the corporate name, to purchase, own and use, and sell lands, and other property, and to accept donations of land or other property, or to receive the same in payment of subscriptions of stock, and to issue stock therefor as the contracting parties may agree upon; to use such weight of iron per lineal yard as the company may deem best; to fix the capital stock of said company at not exceeding five millions of dollars, which shall consist of shares of one hundred dollars each, transferable as the laws of said company may direct. In the election of officers, each share shall entitle the owner thereof to one vote, which may be given by himself, or by proxy, authorized in writing. The board of directors shall have power to require payment of stock subscribed in such instalments and at such times and places as the by-laws of the company may provide, and shall be required at each meeting to report all action taken and proceedings held by them during the previous year.

SEC. 4. The persons named in the first section of this act, or a majority of them, shall meet in the town of Bonham within ninety days of the passage of this act, and temporarily organize the company, by electing a president and vice president from the incorporators, and a secretary and treasurer, who shall be required to report at each annual meeting, and a board of directors, which said board shall consist of not less than five nor more than seven persons. The officers elected, as aforesaid, shall continue in office not exceeding six months, within which time they shall permanently organize by calling a meeting of the stockholders, and holding an election for a like number of directors as is mentioned in the temporary organization. The said election shall be called by the president, or any three directors. The directors shall have power to appoint an executive committee, and confer on it such powers as they deem necessary;

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and to appoint any other agents or officers the company may require for its business.

SEC. 5. That the right of way through the public lands of the State along the line of said road be and the same is hereby granted to said company, and the authority is hereby conferred on said company to take from the public lands adjacent to said road, stone, earth, timber and other material for the construction thereof; and the right of way is hereby granted to said company to the extent of two hundred feet in width, when it passes over public lands, including all land necessary for stations, work shops, switches, side tracks, turn tables and water stations, at any point along said main line; and when the same shall pass through the land of private persons, the right of way is hereby secured in accordance with the general laws of the State now in force. Said company is authorized, and the right is hereby granted them, to cross or connect with any other railway, to join stocks, or consolidate with any other railway company running in the same general direction, and to intersect or tap the Missouri, Kansas and Texas Railway, as provided in section second.

SEC. 6. Said company may locate its offies at any point on the line of the road. All suits by the company shall be prosecuted by the president, and in suits against the company the suit shall be instituted in the county where the office is located; and service of process on the president or secretary shall be sufficient.

SEC. 7. The construction of this road shall be commenced within twelve months after the permanent organization of the company, and said road shall be completed within five years from the passage of this act, or forfeit all rights herein granted, except the work which may then be completed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved November 17, 1871.

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## CHAPTER LXX.

AN ACT TO INCORPORATE THE TEXAS AGRICULTURAL, HORTICULTURAL, MECHANICAL AND INDUSTRIAL ASSOCIATION OF WACO.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That D. T. Chamberlain, John T. Flint, E. A. Sturgis, J. E. Sears, R. C. Majors, N. H. Conger, A. P. Green, Sanford Johnson, A. Wheeler, J. M. Holt, J. D. Wallace, W. A. Taylor,

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and others, their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the Texas Agricultural and Industrial Association of Waco, and by said corporate name shall be capable of suing and being sued, pleading and being impleaded, contracting and being contracted with, and of doing and performing all things necessary to carry into effect the object of this act; they shall also have and use a common seal.

SEC. 2. That the persons named in the first section of this act shall act as commissioners to obtain, by subscription, the capital stock of said association, and that the stockholders shall organize the same as hereinafter provided.

SEC. 3. That the objects of said association are declared to be the improvement of the breed of domestic animals and the encouragement of agricultural, horticultural and mechanical improvement, and for these purposes said association is authorized to purchase, import, breed, exhibit and sell any kind of domestic animals; to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural, horticultural and manufacturing interest of this State; *provided*, nothing herein contained shall infringe upon the rights of patentees. For the further purpose of carrying out the objects and purposes above declared, said association is hereby authorized to buy, sell, receive, hold and own, with full power to convey the same, all necessary real estate for fair grounds, pastures, farming and manufacturing grounds, and to erect upon the same such improvements as may be necessary to carry out the objects of this association; that the fair grounds and other improvements shall be located in McLennan county, in this State.

SEC. 4. The capital stock of said association shall not exceed two hundred thousand dollars, to be divided into shares of twenty dollars each; each share entitling the owner thereof to one vote for each share that he may own, either in person or by proxy. The administration of the affairs of the association shall be entrusted to a board of directors, to be elected at the first meeting for organization of the association by the corporators before named, of such number and for such time as they may determine. The officers of said association shall consist of a president and vice president, who shall be elected from and by the stockholders of said association, and who shall own at least five paid up shares of stock.

SEC. 5. The president and vice president shall be members of the board of directors, and together they shall make such by-laws, rules and regulations, and appoint such other officers and agents as may be necessary for the government and conduct of said associa-

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tion, and for the preservation of order, and the protection of their grounds from imposition and trespass.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Approved November 17, 1871.

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## CHAPTER LXXI.

AN ACT FOR THE RELIEF OF THE HEIRS OF GEO. W. WALL, DECEASED.

WHEREAS, It appears from indubitable evidence that Geo. W. Wall immigrated to Sabine county, Texas, in the year A. D. 1838, and obtained a conditional headright certificate for six hundred and forty acres of land; and,

Whereas, Said Wall died in said county of Sabine before the expiration of the three years necessary for him to acquire an unconditional certificate, leaving a family of young orphan children who knew nothing of their rights, nor do they yet know whether their father obtained a conditional certificate, as by the then existing law he was entitled; and,

Whereas, The records in the General Land Office show that the conditional certificate for six hundred and forty acres of land was issued to said Geo. W. Wall by the board of land commissioners of Sabine county; therefore

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office be and he is hereby required to issue to the heirs of George W. Wall a certificate for six hundred and forty acres of land, to be located and patented on any of the unlocated public domain of the State.

SEC. 2. That this act take effect and be in force from and after its passage.

Passed November 17, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXXII.

AN ACT TO AUTHORIZE W. H. M'VEY TO ERECT A TOLL BRIDGE OVER RED OAK CREEK, IN ELLIS COUNTY, ON THE ROAD LEADING FROM LANCASTER, IN DALLAS COUNTY, TO CHATFIELD POINT AND CORSICANA, IN NAVARRO COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That W. H. McVey be and he is hereby authorized and empowered to erect a toll bridge over Red Oak creek, in the county of Ellis, where the road leading from Lancaster, in Dallas county, to Chatfield point and Corsicana, in Navarro county, crosses the same; and that he be authorized and empowered to charge, receive and collect toll for crossing said bridge at the following rates, to-wit: For every footman, three cents; for every man and horse, ten cents; for one horse and vehicle, twenty cents; for two horses and vehicle, twenty-five cents; for every wagon and two yoke of oxen, thirty cents; for every wagon and more than two yoke of oxen, fifty cents; for every four to six-horse wagon, fifty cents; for loose horses, each, five cents; for other stock, loose, per head, one cent.

SEC. 2. That the right and privilege herein granted shall inure to the benefit of the said W. H. McVey, his heirs and assigns for twenty years; *provided, however*, that in order to secure the privileges conferred by this act, he shall, within twelve months from the passage thereof, erect and construct a good, safe and substantial bridge at the point aforesaid, and shall keep the same in good repair; and in the event of any accident or casualty destroying the same, the said McVey shall reconstruct the same within twelve months from the date of such accident or casualty; otherwise the franchise herein granted shall cease and abate.

SEC. 3. That no bridge shall be permitted or allowed to collect toll, or be erected with the right so to do, within three miles above and below said crossing, during the continuance of this franchise.

SEC. 4. That this act shall take effect and be in force from and after its passage.

Passed November 21, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which

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it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXXIII.

AN ACT TO AUTHORIZE DAVID L. CROSS TO CONSTRUCT, KEEP AND MAINTAIN A DAM ACROSS THE COLORADO RIVER, FOR MILLING AND MANUFACTURING PURPOSES.

SECTION 1. *Be it enacted by the Legislature of the State o Texas*, That David L. Cross be and he is hereby fully authorized to construct, keep and continue his dam across Colorado river, at its present site, and purchased by him, without limitation or restriction, except as herein provided.

SEC. 2. *Be it further enacted*, That, should the said Colorado river hereafter be made navigable by boats, or vessels propelled by steam, the said Cross or his assigns shall be required to construct and keep in repair a lock or gate in said dam, such as to permit said vessels to pass through when required.

SEC. 3. *Be it further enacted*, That all laws or parts of laws conflicting with this act, be and the same are hereby repealed, and this act shall take effect and be in force from after its passage.

Passed November 21, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXXIV.

AN ACT AUTHORIZING AND REQUIRING THE COMMISSIONER OF THE GENERAL LAND OFFICE TO ISSUE PATENT UPON CERTIFICATE NUMBER 169, TO THE HEIRS OR ASSIGNEES OF JOHN PATE.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue patent or patents to the heirs or assignees of John Pate, on the survey or surveys heretofore or hereafter made by virtue of certificate No. 169, (class 2,) issued to John Pate on the first of October, A. D. 1837, for twelve hundred and eighty acres of land, by the board of land commissioners for Nacogdoches county, without requiring the said heirs or assignees to file in the Land Office the conditional certificate.

SEC. 2. That this act take effect from and after its passage.

Passed November 21, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXXV.

AN ACT TO INCORPORATE THE RED RIVER BRIDGE COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That L. S. Owens, T. T. Teel, B. R. Sappington, J. D. George, James S. Porter, Geo. A. Cutter, E. Y. Broughton, S. R. Shepherd, R. D. King, Thomas H. Baker, of the State of Texas, D. W. Hughes, of the State of Missouri, W. M. Locke, N. B. Carter, Thos. Kinney, and M. R. Boulden, of the State of Kansas, and their associates and successors, be and they are hereby constituted

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and declared to be a body politic and corporate, under the name and style of the Red River Bridge Company.

SEC. 2. That the said persons, their associates and successors, under the name and style as aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts in this State whatsoever, and may have a common seal, and may alter the same at pleasure.

SEC. 3. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to construct a bridge over the Red River, at any place to be selected by said company, between Preston and Colbert's Ferry in Grayson county, to strike said river as may be deemed by the said company most eligible, and to purchase and hold property, real, personal or mixed, as far as necessary for the construction of and maintenance of said bridge; *provided*, the amounts does not exceed five hundred thousand dollars, and to do all other works necessary, not contrary to the Constitution and laws of this State.

SEC. 4. That said company may enact such by-laws and rules for the management of their officers as may be consistent with the Constitution and laws of this State.

SEC. 5. That the capital stock of said company may be five hundred thousand dollars.

SEC. 6. That said incorporators shall open books and receive subscriptions to the capital stock of said bridge company.

SEC. 7. That shares of stock of said company shall be one hundred dollars each.

SEC. 8. That said incorporators shall not receive any subscription to the capital stock of said company unless five per cent. be paid to them at the time of subscribing; and should they receive subscriptions to said stock without said payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said incorporators shall constitute a quorum, and they may hold their meetings at such time and place as a majority shall designate; *provided*, notice shall be given of such meeting in the official newspaper at Austin, Texas, at least twenty days before such meetings.

SEC. 9. That whenever one-half of the capital stock shall be taken, and the five per cent. paid in, then the company shall organize by electing a president, secretary, treasurer, and five directors, who shall hold their offices as the by-laws of the company may direct.

SEC. 10. Said company shall have the right to build a railway upon said bridge, for the transfer of locomotives and cars in connection with any railway company; *provided, however*, that the

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transit of teams, vehicles or stock is not materially interrupted by the passage of said locomotives or cars.

SEC. 11. That the work shall be commenced upon said bridge within two and shall be finished within five years from the date of this act.

SEC. 12. That said company shall have the right to cut and carry away from any public land of this State any timber, rock or building material necessary for the construction of said bridge.

SEC. 13. That the rates of toll over said bridge shall not exceed the following rates, viz.: For wagon and four animals, one dollar; for wagon and two animals, fifty cents; for carriage and two animals, fifty cents; for carriage and one animal, twenty-five cents; for each person and riding animal, fifteen cents; for each horse or mule, five cents; for each neat cattle, five cents; for each hog, two cents; for each sheep or goat, two cents; for foot passengers, five cents; and for all other things not herein enumerated, a proportional rate as those herein specified.

SEC. 14. That the said company be, and they are hereby required and bound to keep said bridge in good repair, and to keep in constant attendance at the toll gate of the same, a sufficient number of persons to admit passengers and property to cross at any time, by day or by night.

SEC. 15. That no other toll bridge or ferry shall be established across said Red River, other than the one herein provided for, within three miles up and down said river, from the place where said company shall designate for the construction of said bridge as aforesaid, unless said bridge company, or their associates or successors, shall fail and refuse to keep said bridge in good repair.

SEC. 16. That the privileges granted in this charter to said company shall cease and determine after the expiration of fifty years from the passage of this act; and that this act take effect from and after its passage.

Passed November 23, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXXVI.

AN ACT INCORPORATING A TOLL BRIDGE ON THE TAHUACCANNA, AT THE CROSSING OF THE PUBLIC ROAD FROM WACO TO CORSICANA.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Mrs. Victoria A. Blankenship be and she is hereby authorized to construct a toll bridge across the Tahuaccanna creek, at the place where the main public road, from Waco to Corsicana, crosses the same, and also a toll house.

SEC. 2. *Be it further enacted*, That said Mrs. Victoria A. Blankenship may demand and receive toll for crossing said bridge, at the following rates, to-wit: For six horses and wagon, fifty cents; for four to six yoke of oxen and wagon, fifty cents; for two to four yoke of oxen and wagon, thirty cents; for two to four horses and vehicle, twenty-five cents; for one horse and vehicle, twenty cents; for man and horse, ten cents; for horses per head, five cents; for footmen, five cents; for cattle, sheep, hogs, etc., one cent per head.

SEC. 3. *Be it further enacted*, That the right to collect toll on and from said bridge shall continue for thirty years from and after the passage of this act.

SEC. 4. *Be it further enacted*, That no other toll bridge shall be incorporatd across said creek withith two miles of said Waco and Corsicana crossing.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Passed November 24, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one one, having been presented to the Governor of Texas for his approval, was returned by him to the House in which it originated with his objections thereto, passed both houses of the Legislature over his veto, two-thirds of the members thereof concurring therein, and has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXXVII.

AN ACT TO INCORPORATE THE TEXAS LUMBER AND MANUFACTURING COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That S. S. Munger and his associates and successors be and are hereby created a body corporate and politic under the name and style of the Texas Lumber and Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, and do and perform all such acts as are incidental to like corporations.

SEC. 2. Said corporation shall have the right, in their corporate name, to buy lands in any county in the State, to establish saw mills and manufacture lumber and shingles.

SEC. 3. Said company shall also have the right to establish, in or near the city of Houston, planing and other mills, and may erect shops for the manufacture of railway cars, wagons, agricultural implements and any other articles, and carry on a general manufacturing business.

SEC. 4. Said company may buy and own such real estate in Houston as may be necessary for the transaction of its business.

SEC. 5. The capital stock of the company shall be two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and each and every share shall be entitled to one vote either in person or by proxy.

Sec. 6. Whenever twenty-five dousand dollars of the capital stock of said company shall have been subscribed and ten (10) per cent. paid in, in cash, the company may organize and elect its officers, which said officers shall be re-elected annually on the first Tuesday in January, and failing to elect at that time, may elect as soon thereafter as convenient.

SEC. 7. The business of said company may be conducted by a board of not less than three nor more than seven directors, who shall, from their number, elect a president, or they may, if they choose, confide the entire business to the charge of a president who shall be elected by the stockholders, and be amenable directly to them. They may also choose such other officers as they may see proper.

SEC. 8. The stockholders or directors may call in the stock at the rate of ten (10) per cent. per month, but not faster, unless by a call of three-fourths of all the stock taken.

SEC. 9. Said company shall have power to enact by-laws for

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their government, and make such regulations as they may see proper, to enforce the payment of assessments upon their stock.

SEC. 10. The principal office of said company shall be in the city of Houston.

SEC. 11. Whenever the requisite amount of stock has been taken, the stockholders may be called together by S. S. Munger and said company organized.

SEC. 12. This charter shall be in force from and after its passage, and continue for twenty-five years.

Approved November 25, 1871.

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## CHAPTER LXXVIII.

AN ACT TO INCORPORATE THE EXCELSIOR REAL ESTATE AND BUILDING ASSOCIATION.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Horace Welch, Jno. G. Boyle, C. W. Garland, Chas. Haughn, J. W. Johnson and Geo. Walker, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the Excelsior Real Estate and Building Association, with capacity in said corporate name to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages, and deeds of trust; to have succession and a common seal; to make by-laws for the regulation of its affairs; to sue and be sued; to plead and be impleaded; to declare dividends and make divisions of property; to do and perform all such things as may be necessary and proper for or incident to the fulfilment of its obligations and maintenance of its rights under this act, and consistent with the Constitution and laws of the State; *provided*, that the operations of said association, as to the purchase or holding of real property, shall be restricted exclusively to and within the county of Marion.

SEC. 2. The officers and managers of this association shall consist of five directors and one treasurer, to be elected by the shareholders. There shall be one president and one vice president, to be chosen by the board of directors, and also one secretary, to be chosen by the directors from the shareholders. Such officers shall receive such compensation as the by-laws may provide, and their term of

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office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

SEC. 3. The capital stock shall be fifty thousand dollars, with the power and privilege of increasing the same to three hundred thousand dollars.

SEC. 4. The capital stock of fifty thousand dollars shall be divided into one hundred shares of five hundred dollars per share, payable in monthly instalments of ten dollars per month.

SEC. 5. Any shareholder who fails, neglects or refuses to pay or cause to be paid his regular monthly instalment, shall forfeit his stock to the association; *provided, however*, that by and with the consent of the board of directors, for some good cause shown, such delinquent may be allowed fifteen days to redeem stock thus forfeited.

SEC. 6. No person shall own more than five shares of stock in this association, and in case any share of stock shall become forfeited in accordance with the foregoing provision, the board of directors shall dispose of the same to the highest bidder, in such manner as the by-laws may direct; *provided*, that one half the proceeds shall be returned to the shareholder whose stock has been forfeited.

SEC. 7. Whenever one hundred shares shall have been subscribed, and two months instalments paid in, this association shall be deemed organized and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

SEC. 8. Service of any and all legal proceedings, in any suit against this association, shall be sufficient if made upon the president or secretary.

SEC. 9. Books of subscription shall be opened under the supervision and direction of the corporators herein named, each share entitling the owner thereof to one vote, and when the required amount is subscribed and paid in, they shall give notice and proceed to organize said association.

SEC. 10. This act of incorporation shall be in full force and have effect from and after the date of its passage, for and during the period of thirty years.

Approved November 25, 1871.

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## CHAPTER LXXIX.

AN ACT TO INCORPORATE THE HEBREW BENEVOLENT SOCIETY OF BROWNSVILLE, IN BROWNSVILLE, CAMERON COUNTY, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Bernard Kowalski, president, Emil Hirsch, vice president, William Marks, treasurer, and Adolph Marks, secretary, and their successors in office be and they are hereby declared a body corporate under the name and style of Hebrew Benevolent Society of Brownsville, to be located in Brownsville, Texas, and by that name may at all times hereafter be capable to have, receive and retain property, real, personal and mixed, and the same at their pleasure to dispose of; *provided*, the same shall not exceed in value, at one time, the sum of fifty thousand dollars.

SEC. 2. That said corporation, by the name and style aforesaid, is hereby empowered to sue and be sued, plead and be impleaded, answer and be answered unto in any court or before any judge or officer whatever, in all actions, matters or demands of any character whatsoever.

SEC. 3. That the said corporation shall have full power to enact by-laws, rules and regulations for the government of said society and property to the amount of fifty thousand dollars, and to change or amend the same, from time to time, so as to suit the requirements for the government of said society, and to elect such officers as may be necessary, including a board of trustees for the efficient discharge of their duties, and that ten members shall form a quorum for the transaction of business.

SEC. 4. That the said society may have a common seal, and the same alter and change at their pleasure, and shall in general have and exercise all rights, privileges and immunities by law incident or necessary to societies of the like kind for twenty years and no longer.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Approved November 25, 1871.

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## CHAPTER LXXX.

AN ACT TO INCORPORATE THE CENTRAL TEXAS AGRICULTURAL AND MECHANICAL ASSOCIATION.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Merritt Drane, president, J. H. Haden, vice president, W. S. Robinson, J. K. Smyrl, Robert Mabry, R. H. Mathews, A. H. Beall and J. H. Halbert, directors, together with such other persons as hold certificates of stock in the Central Texas Agricultural and Mechanical Association, a private company, heretofore organized, their associates and successors, are hereby declared to be a body corporate, under the name and style of the Central Texas Agricultural and Mechanical Association, with capacity to sue and be sued, plead and be impleaded, contract and be contracted with, and to do and perform all things necessary to carry into effect the objects of their association.

SEC. 2. The objects of said association are declared to be to encourage agricultural and mechanical improvements, and to improve the breed of domestic animals; and to this end it is hereby authorized and empowered to own the necessary real estate for fair grounds, pastures and training grounds, and erect thereon such buildings as may be necessary to carry out these objects. The fair grounds of said association shall be in Navarro county.

SEC. 3. The capital stock of said association shall not exceed fifty thousand dollars, divided into shares of twenty-five dollars each; and the affairs of said association shall be managed by a president, vice president and directors, to be elected by the stockholders out of their own number. The election for president, vice president, directors and such other officers as may be created by the by-laws of said association, shall be annual, and at such time and place as in such by-laws may be directed. In case of vacancies, the board of directors shall fill the same until the next regular election, and the directors and officers shall hold office until their successors are qualified.

SEC. 4. Said president, vice president and board of directors shall have power to make all necessary rules and regulations for holding their fairs, for the preservation of order, for the prevention and suppression of the introduction or sale of intoxicating drinks on their grounds, and the protection of the fair grounds from disturbances or breach of the peace during the time of holding fairs.

SEC. 5. During said fairs said rules shall be conspicuously

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posted up at the entrance gate or gates thereto; and any person who shall violate any of said rules or regulations shall be subject to a fine not exceeding fifty dollars, recoverable before any justice of the peace in Navarro county. Any such justice of the peace, on complaint being made before him of a violation of said by-laws, shall immediately cause the arrest and punishment of the offender. Such fines shall be collected as are fines for violation of the penal laws of this State.

SEC. 6. The stockholders thereof shall be responsible for the debts of said association, in proportion to the number of shares owned by each one; *provided*, no stockholder shall be responsible for any greater amount than the value of the share or shares owned by him.

SEC. 7. No contract shall be binding on said association unless it is signed by the president and countersigned by the secretary thereof.

SEC. 8. That this act shall be in force for the period of thirty years, and shall take effect from and after its passage.

Approved November 25, 1871.

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## CHAPTER LXXXI.

### AN ACT TO INCORPORATE THE TEXAS EUROPEAN STEAMSHIP AND LAND COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That C. W. Hurley, C. L. Beissner, E. Webster, George Lingham, S. A. Edgerley, W. Crooks, and their associates and successors be and they are hereby incorporated and declared to be a body corporate and politic under the name of The Texas European Steamship and Land Company, and under such name shall be in law capable of suing and being sued, impleading and being impleaded, and shall be capable of holding and conveying any estate, real, personal and mixed, and doing and performing all things necessary for the business of said company, not contrary to the Constitution or laws of the State. They may own, build and charter steamships to ply between the port of Galveston, in the State of Texas, and any of the ports of England, Ireland, Wales or Scotland, or the port of Bremen, in Germany, for the purpose of transporting passengers and freights, and of bringing immigrants into Texas. Said company shall have a corporate seal with such device as they may select.

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SEC. 2. The capital stock of said company shall be five hundred thousand dollars, which may be increased to any amount not exceeding two millions, divided into shares of five hundred dollars each, and the said company may commence operations under this act whenever two hundred thousand dollars of the capital stock shall be subscribed and fifty per cent (50 %) of the same paid in.

SEC. 3. The principal object of said company is declared to be the promotion of immigration to Texas, to facilitate the sale and purchase, and settlement of lands by immigration, and to introduce respectable immigrants, laborers, skilled operators and capital into the State.

SEC. 4. The said company is prohibited from introducing as immigrants into the State any convicts, fugitives from justice, profligates, persons of loose habits, drunkards or those who have been of notoriously vicious, immoral or depraved dispositions.

SEC. 5. The management of the affairs of said company shall be conducted by a board of directors, to be selected from the stockholders, and under such rules and regulations as the stockholders may determine at their first regular meeting, and the organization of said company shall take place at such meeting. The directors shall have power to make all necessary by-laws for the management of the company, and such by-laws, when not inconsistent with the provisions of this act and the Constitution and laws of the State, shall be binding upon all the stockholders.

SEC. 6. The principal office and place of business of said company shall be in the city of Galveston, State of Texas.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved November 25, 1871.

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## CHAPTER LXXXII.

AN ACT AMENDATORY OF AND SUPPLEMENTARY TO AN ACT ENTITLED AN ACT TO ENCOURAGE THE SPEEDY CONSTRUCTION OF A RAILWAY THROUGH THE STATE OF TEXAS TO THE PACIFIC OCEAN, PASSED ON THE TWENTY-FOURTH DAY OF MAY, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section one of the above entitled act shall be so amended as to read as follows: "Section 1. *Be it enacted by the Legislature of the State of Texas*, That in order to secure and promote

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the speedy construction of a railway through the State of Texas to the Pacific Ocean, and thereby secure the incidental advantages of cheap transportation for emigrants to the western and unsettled portion of the State, facility of communication between the eastern and western boundaries, the settlement and enhancement in value of the now unoccupied public domain, and the development of the great mineral, agricultural and stockraising resources of the State, the State of Texas hereby consents, binds and obligates herself to donate, and does hereby grant to the Southern Pacific Railroad Company and to the Southern Trans-Continental Railway Company, heretofore chartered by the Legislature of the State of Texas, the bonds of the State of Texas to the amount of six millions of dollars in the manner and upon the terms and conditions following, to-wit: To the Southern Pacific Railroad Company there are hereby granted the bonds of the State to the amount of three millions of dollars, and to the Southern Trans-Continental Railway Company there are hereby granted the bonds of the State to the amount of three millions of dollars upon the condition that the said companies shall, before the first day of June, A. D. 1872, agree upon a point of junction of the two roads, which said point of junction shall be within three miles of the junction of the West Fork and Clear Fork of the Trinity river, and on the south side of said rivers, and shall file such agreement, duly executed by the two companies, in the form of an indenture between the two companies in the office of the Secretary of State of the State of Texas; the said Southern Pacific Railroad Company, shall build its road from the present western terminus thereof, at Longview, in Upshur county, by such route as the said company may deem the most practicable, crossing the Central Railroad within one mile of Browder's Springs, to the said point of junction, and the said Southern Trans-Continental Railway Company, shall build its road from Jefferson to a point on the eastern boundary of the State of Texas, bordering on the State of Arkansas, at or near Texarkana, and thence through the town of Clarksville, in Red River county, and through the city of Paris in Lamar county, to the point of junction, confining its line as nearly as may be practicable, to the old survey of the Memphis, El Paso and Pacific Railroad Company; and for the purpose of more certainly and conveniently transporting the material necessary to the construction of its said road, as above defined, the said Southern Trans-Continental Railway Company, shall have the right to construct a railway from the town o Marshall, in Harrison county, to Jefferson, which shall be a part of the railway of the said company; *provided*, that the said company shall not be entitled to apply any part of the subsidy herein granted to the said road, from Marshall to Jefferson; the said companies, by

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the first of September, 1872, shall make a survey of the route of each of the said roads to the said point of junction, and shall file a map of said routes in the General Land Office at Austin and in the office of the Secretary of State, and the distances between the principal points along said routes to the said point of junction shall be carefully noted on said maps."

SEC. 2. That section four of said act be so amended as to read as follows: "The bonds hereinbefore provided shall be issued and delivered to the said railroad companies, or either of them, which may be entitled to receive the same in the following manner, to-wit: when either of said companies shall complete, equip, and put in running order twenty-five consecutive miles of its said line of road, and the chief engineer of said company shall certify the same to the Governor of the State under oath; it shall then be the duty of the Governor to detail such officer as may be prescribed by law, or appointed by the Governor for that purpose, to examine the same, and upon the written report of such officer that the said twenty-five miles of such railroad have been completed in a thorough and substantial manner, it shall then be the duty of the Governor to issue and deliver to the said company, the bonds herein provided for, to the amount of ten thousand dollars per mile for each and every mile of said twenty-five miles of said road, then and thereafter, so soon and so often as said companies, or either of them, shall complete ten miles of their road and equip and put the same in running order, it shall be the duty of the Governor to deliver to said companies respectively the bonds hereinbefore provided, at the rate of ten thousand dollars per mile, for each and every mile of the said roads in a like manner and under the same restrictions as hereinbefore provided, until the said roads shall be completed to said point of junction."

SEC. 3. That section five of said act be so amended as to read as follows: "That the Legislature of the State of Texas, if vested with the constitutional power to do so, may at any time before the first day of January, A. D. 1874, substitute for the bonds hereinbefore donated a grant of the public lands of the State to the amount of twenty-four sections to the mile to each of said companies respectively; for each and every mile of road built by said companies respectively, after the passage of this act, in lieu of said bonds, in like manner and under the same restrictions as provided in this act; *provided*, that if any of the bonds herein provided, shall be issued before the Legislature shall make such substitution, then said bonds shall be redeemed and canceled as provided in sections six and seven of this act; *and provided, further*, that if the Legislature shall not have made such substitution of lands for the said bonds by the first day of January, 1874, then the said company shall have the right

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at any time thereafter, when the Legislature shall have power to grant the public lands in aid of internal improvements, to deliver to the Governor of the State any bonds which may have been delivered to them under the provisions of this act, and shall receive therefor a grant of the public lands to the amount and in the manner provided in section six of this act."

SEC. 4. That section eight of said act shall be amended so as to read as follows: "That should either of said companies fail to complete its road to the said point of junction by the first day of January, 1874, then said company shall thereafter take no further benefit under the provisions of this act."

SEC. 5. That the said Southern Pacific Railroad Company, and the Southern Trans-Continental Railway Company are hereby empowered to conform the gauge of their several roads to such gauge as may be adopted by the Texas Pacific Railroad Company, chartered under act of Congress of the United States, March 3, 1871.

SEC. 6. That it is the intent and purpose of this act, and of the act to which this act is amendatory, that each of the said railroad companies shall be entitled to three millions of dollars of said bonds, and that neither of said companies shall receive more than ten thousand dollars per mile for the construction of their roads to the said point of junction; and the said companies shall be entitled to receive ten thousand dollars per mile for a single track railroad westward from the point of junction towards El Paso, until the whole amount of bonds granted shall be consumed; but in no event shall the amount of bonds to be issued under the provisions of the act, of which this act is amendatory, exceed six millions of dollars; *provided*, that the said companies, after reaching the said point of junction, shall construct the single track westward towards El Paso at the rate of one hundred miles per annum until the whole amount of the subsidy shall be exhausted—failing to do which the said companies shall forfeit all right to any subsidy beyond the said point of junction.

SEC. 7. The said railroad companies shall be subject to no limitation of time in the construction of their roads, other than is provided in this act and the act of which this act is amendatory.

SEC. 8. Anything contained in the act of which this is amendatory, and in other laws or parts of laws, contrary to or inconsistent with the provisions of this act, is hereby repealed; and this act shall take effect from and after its passage.

Passed November 25, 1871.

The foregoing act, received in the office of Secretary of State, December two, one thousand eight hundred and seventy-one,

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having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER LXXXIII.

AN ACT TO INCORPORATE THE HOUSTON TANNERY AND LEATHER MANUFACTURING COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Samuel Geisleman, George H. Dutton, Jacob Binz, W. A. Ellis W. D. Alexander, and their associates and successors, be a body corporate and politic, under the name and style of the Houston Tannery and Leather Manufacturing Company, with authority in said corporate name and capacity to contract; to sue and be sued; to plead and be impleaded; to acquire real and personal property by gift or purchase, and to sell, grant, mortgage, or alienate the same; to make by-laws for its own government, which by-laws may be altered or amended from time to time, as may be deemed necessary for the promotion and carrying out the objects contemplated in this act.

SEC. 2. That the said company in their corporate name and capacity shall have the right to tan leather and manufacture boots, shoes, and any other articles made of leather which they may desire to manufacture. Said company shall have the right to own such houses, lands, machinery, and all other articles and property of whatsoever kind, necessary for or incidental to the working of their manufactory.

SEC. 3. That the capital stock of said company shall be one hundred thousand dollars, exclusive of its franchises and rights to property, divided into shares of one hundred dollars each, each share to entitle the owner thereof to one vote, either in person or by proxy, in all meetings of the company. Said shares shall be deemed personal property, and shall be transferable under such rules and regulations as may be provided for in the by-laws of the company.

SEC. 4. That for the purpose of organization and commence-

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ment of the enterprise, the corporators, named in the first section of this act, shall constitute the first board of directors, to serve for one year, and to remain in office until their successors are elected and qualified. The board of directors shall choose from their own number, at their first meeting, a president and such other officers as may be required by the by-laws; nevertheless, the board of directors shall have authority to dispose of the shares in its capital stock in such a manner and on such terms as they may deem most conducive to the interest of the company and the fulfilment of the objects of this act; and shall be, furthermore, authorized to commence operations whenever one hundred and fifty shares shall have been taken and such per centage paid thereon as may be prescribed in their by-laws.

SEC. 5. That the capital stock of said company may be increased to two hundred and fifty thousand dollars, when deemed expedient for the welfare of the company by two-thirds of the board of directors, sanctioned by a majority of the stockholders.

SEC. 6. That this act take effect from and after its passage and continue in full force and effect for the period of fifty years.

Approved November 25, 1871.

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## CHAPTER LXXXIV.

AN ACT TO INCORPORATE THE ST. MARYS INSTITUTE.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That W. J. Morris, Joseph F. Smith, W. G. Roark, John Martin and John H. Wood, and their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the Board of Curators of St. Marys Institute, and by that name and style they shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, and to receive donations or bequests of property, real, personal or mixed, and have, hold, use and dispose of the same.

SEC. 2. That the object of said body of curators shall be the permanent establishment and endowment of a purely literary, scientific and moral institution of learning of high degree, for the better education of the youth of the land, and the general diffusion of knowledge among the masses, ignoring all religious creeds, but firmly adhering to the morality of the Bible; and in order to carry



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out successfully said objects, the board of curators shall have power to adopt, under this charter, a code of by-laws by which to govern and control their acts in perfecting said objects.

SEC. 3. That the board of curators may secure in any just and legal manner, any amount of capital not to exceed five hundred thousand dollars, hold and operate the same in any way that they may deem best, to secure the permanent endowment of its professorships, and the promotion of its general objects.

SEC. 4. That the board of curators shall provide for securing such qualified principal and teachers as are necessary; fix the curriculum of studies, and the degrees to be conferred upon students in accordance thereto, and may raise means to establish, in connection with the said institute, a general library or lyceum, with scientific or art museum and herbarium, and control, direct and use the same for the promotion of the special objects of the institute, as well as the general diffusion of knowledge.

SEC. 5. That in case of death or resignation of any one or more of the curators, the remainder shall have power to fill such vacancy or vacancies.

SEC. 6. That the board of curators shall have all general and special powers usually conferred upon such corporations.

SEC. 7. That the board of curators may secure a legal title to the building and ground on which the building now used by the proprietors of the institute is located, near the town of St. Marys, Refugio county, State of Texas, and hold the same for the objects above expressed.

SEC. 8. That this act be in full force and effect from and after its passage.

Approved November 25, 1871.

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## CHAPTER LXXXV.

### AN ACT TO INCORPORATE THE NORTH TEXAS COLLEGIATE INSTITUTE, AT BONHAM.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That a collegiate institute is hereby established in the town of Bonham, county of Fannin, State of Texas, to be called the North Texas Collegiate Institute, at Bonham, and by that name shall be a body corporate and politic; shall have continued succession, may contract and be contracted with, sue and be sued, im-

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plead and be impleaded, defend and be defended, and may have, use, alter and renew a common seal.

SEC. 2. That H. W. Lyday, S. B. Allen, S. J. Spotts, J. C. Smith, S. W. McKee, S. D. Nunnelee, B. F. Hays, A. J. Dorn and Gideon Smith shall be the first trustees of the said collegiate institute, and they and their associates and successors shall have power to direct and administer the affairs of said institution, and to fill any vacancy that may occur in said board of trustees, by death, resignation, removal or otherwise.

SEC. 3. That said trustees shall have power to receive, acquire, recover, hold and enjoy any money, or real or personal property or estate that has been or may be subscribed for the use of said institution, and to acquire by gift or purchase any real or personal property or estate necessary for its use, and hold the same to them and their successors, and may use, control and dispose of the same in such manner as will best advance and promote the interest of the institution.

SEC. 4. That said trustees may meet at any time and place in the county of Fannin that they may agree upon. A majority of the trustees shall be a quorum for the transaction of business, and shall have power to appoint a president, treasurer, faculty and other officers, agents and servants; to prescribe their duties, fix their compensation, and remove them at pleasure, and make all necessary rules, regulations and by-laws for the government of the institute not repugnant to the Constitution and laws of this State or of the United States. The first meeting of said trustees shall be within six months after the passage of this act.

SEC. 5. That the trustees of said institute shall have power to grant diplomas and award prizes; all such diplomas shall have the seal of the institute affixed to them, and the signature or signatures of such officer or officers as the trustees may direct.

SEC. 6. That no property belonging to said institute shall be alienated or disposed of, unless by a vote of a majority of all the trustees. A majority of all the trustees may dispose of all the real and personal property and estate belonging to said institute, after having given sixty days' notice in some newspaper published in Fannin county, of their intention to close and settle the affairs of the corporation; and when said trustees shall have paid all the debts and liabilities of every kind due by said corporation, and shall have disposed of all its real and personal property, said corporation shall be dissolved, and this act of incorporation shall then cease and terminate.

SEC. 7. That this act take effect from and after its passage.

Approved November 25, 1871.

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## CHAPTER LXXXVI.

AN ACT TO INCORPORATE THE BRYAN REAL ESTATE, BUILDING AND JOINT STOCK ASSOCIATION OF BRYAN, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That H. T. Downard, E. L. Ward, T. J. Dearing and D. C. Barmore, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the Bryan Real Estate, Building and Joint Stock Association of Bryan, Texas, with capacity, in said corporate name, to make contracts; to hold, buy and sell property; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages and deeds of trust; to have succession and a common seal; to make a constitution and by-laws for the government and regulation of its affairs; to sue and be sued, plead and be impleaded; to declare dividends and make divisions of property, and to do and perform all such acts and things as may be necessary and proper for and incident to the fulfilment of its obligations and maintenance of its rights under this enactment, and consistent with the laws of this State and of the United States.

SEC. 2. That the capital stock of this association shall be twenty thousand dollars, with power and privilege of increasing the same to one hundred thousand dollars.

SEC. 3. That whenever stock to the amount of ten thousand dollars has been subscribed and two per cent. on the same paid in, the association shall be deemed organized and competent to transact business, and be entitled to all the grants and privileges conferred by this enactment.

SEC. 4. That service of any and all legal process in any suit or proceedings against the association, shall be sufficient if made upon the president or secretary of the association.

SEC. 5. That this act of incorporation shall take effect and be in force from and after its passage.

Approved November 25, 1871.

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## CHAPTER LXXXVII.

AN ACT FOR THE RELIEF OF COLONEL THOMAS WILLIAM WARD.

WHEREAS, Colonel Thomas William Ward, in the month of December, A. D. 1835, while gallantly discharging his duty as a soldier of the Republic of Texas at the storming of Bexar, lost his right leg; and,

Whereas, Subsequently, while superintending the firing of a salute on the anniversary of the Independence of Texas, he was so unfortunate as to lose his right arm; and,

Whereas, He is now old and in needy circumstances; as an evidence of the gratitude of the late Republic and present State of Texas, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the sum of seven hundred dollars annually be paid out of the Treasury of the State of Texas to Colonel Thomas William Ward for and during his natural life, commencing from the date of the approval of this act.

SEC. 2. That the sum of seven hundred dollars be and the same is hereby appropriated to liquidate the amount due on the approval hereof, and the Comptroller is hereby authorized and required to draw his warrant on the Treasurer for that amount, payable out of any funds not otherwise appropriated.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved November 25, 1871.

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## CHAPTER LXXXVIII.

AN ACT TO INCORPORATE THE VICTORIA SOCIETY OF WASHINGTON COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Jno. T. McAdam, James Baker, William Watson, John Ratley, William McAdam, W. E. Copeland, and their associates, be and they are hereby empowered and constituted a body corporate and politic, under the name of the Victoria Society

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of Washington county, and as such may sue and be sued in the courts of this State; may take, hold and enjoy and grant property, both real and personal; make, execute and enforce all legal contracts; may have a common seal, and shall have the right of succession, and may adopt all rules, regulations and by-laws as may become necessary to the organization and future government of said society.

SEC. 2. That said association shall be enabled to purchase and hold such real and personal property as may be necessary to effectuate and sustain the object of its creation, which is hereby declared to be to encourage and promote the emigration of British farmers and others to aid in the development of the agricultural and mechanical interest of the county.

SEC. 3. That this act shall take effect and be in force for twenty-five years from and after its passage.

Approved November 25, 1871.

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## CHAPTER LXXXIX.

AN ACT TO INCORPORATE THE ROUND MOUNTAIN EDUCATIONAL COMPANY IN BLANCO COUNTY, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Jas. Bird, Wm. Davis, Alex. Roberts, A. M. Keeves, G. W. Kemp, Thos. J. Salter, G. Harsch, W. T. Shugart, J. W. Shugart, L. Shugart, Jas. Massey, Jas. Perry, Andrew Perry, Jos. Ingram, Robert Price, W. W. Wodskind, John Getlich and Wm. McCarty, and their associates, are hereby created and declared to be a body corporate and politic, by the name and style of the Round Mountain Educational Company, and by that name and style shall have twenty-five years succession, with power to contract and be contracted with, sue and be sued, to plead and be impleaded in that name; to have a common seal, and shall have the right to acquire, by purchase, donation, subscription or otherwise, personal and real estate, so long as they confine their operations to the promotion of education.

SEC. 2. That the capital stock of said company shall be not less than one nor more than ten thousand dollars, and said company shall have power to increase the same, after its organization, to the amount of twenty thousand dollars, which stock shall be divided

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into shares of ten dollars; whenever stock to the amount of eight hundred dollars shall have been subscribed, there shall be a meeting of the stockholders held for the purpose of electing a board of trustees, which board shall consist of five members to be elected out of the stockholders, and who shall hold their office for the period of one year, or until their successors shall have been elected and qualified, at which meeting there shall also be elected a president, treasurer and secretary, who shall be elected in the same way, and shall serve for the same period as the board of trustees.

SEC. 3. That it shall be the duty of the president to preside over the meetings of the board of trustees, and perform such other duties as may be prescribed by the board of trustees in the rules adopted by them for the government of said board; said company shall, on its organization, adopt a constitution for the government of the company and its officers; and the board of trustees shall have the right to make and adopt any rules that they may deem necessary for the purpose of carrying out said constitution, and for the control of their own deliberations; which rules must not be inconsistent with the constitution of said company, nor with this act.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved November 25, 1871.

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## CHAPTER XC.

### AN ACT TO INCORPORATE THE CASINO SOCIETY OF YORKTOWN.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Louis Lenz, F. Bauer, Robert Eckhardt, M. Reidel, F. Lettler, Berthold Gohmert, R. Gohmert and their associates and successors, be and they are hereby constituted a body corporate and politic for the promotion of education and sciences, as well as social intercourse and amusement, under the name and style of the Casino Society of Yorktown, and by that name may receive, hold, enjoy, sell, convey and alienate property, real, personal and mixed, and by the aforesaid name may sue and be sued, defend and be defended, plead and be impleaded in any court of law or equity within this State; *provided*, that nothing herein contained shall be so construed as to authorize the purchase and sale of lands for speculative purposes, or to hold any more real estate or other property than may be necessary to carry into effect the purposes set forth in this act.

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SEC. 2. That this society shall have power to make such a constitution and by-laws as they may deem necessary for their own government, not contrary to the Constitution and laws of this State, and may elect from their own body the officers necessary for conducting the business of said society.

SEC. 3. That said corporation shall have a common seal, and may alter or change the same at pleasure; and in general have and exercise all such rights, privileges and immunities as by law are incident to and necessary for corporations of a similar character.

SEC. 4. That the capital stock of this corporation shall at no time exceed thirty thousand dollars, and that this act take effect from and after its passage, and remain in force for thirty years.

Approved November 25, 1871.

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## CHAPTER XCI.

AN ACT TO INCORPORATE THE TRAVIS COUNTY AGRICULTURAL, MECHANICAL AND BLOOD STOCK ASSOCIATION.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Ed. Finnin, C. S. West, A. W. Moore, E. S. C. Robertson, John Hancock, L. M. Bradley, Ed. Burleson, N. Merrill, Jno. T. Miller, M. M. Long, G. B. Zimpleman, W. O. Hutchinson, C. C. Allen, J. W. Flanagan, Jas. Lee, and their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the Travis County Agricultural, Mechanical and Blood Stock Association, and as such shall be capable of suing and being sued; and shall have a corporate seal; pleading and being impleaded; contracting and being contracted with; and doing and performing all things necessary to carry into effect the objects of this act of incorporation. That the parties named in this act shall act as commissioners to obtain by subscription the capital stock of said association.

SEC. 2. That the objects of said association are declared to be the improvement of the breed of domestic animals and the encouragement of agricultural and mechanical improvements; and for these purposes said association is authorized to purchase, import, breed and sell any kind of domestic animals, and to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural and manufacturing

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interest of the people of said county of Travis or of the State; *provided*, nothing herein contained shall infringe upon the rights of patentees. And for the further purpose of carrying out the objects and purposes of this association as above declared, said association is hereby authorized to own the necessary real estate for fair grounds, pastures, race tracks and training grounds; to offer purses for horses to contend for; and to erect upon the same such improvements as may be necessary to carry out the objects of this association. That the fair grounds and other improvements of said association shall be located in the county of Travis, in this State.

SEC. 3. That the board of directors shall have power to make all necessary rules and regulations for the holding of their fairs and for the preservation of order and decorum, and the protection of the fair grounds from disturbances or breaches of the peace during the time of holding fairs. At the commencement of said fairs, said rules shall be conspicuously posted up at the entrance gate thereof, and any person who shall wilfully violate any of said rules or regulations shall be subject to a fine not exceeding fifty dollars, to be recovered by complaint or indictment in any court having jurisdiction of such offenses.

SEC. 4. That the capital stock of said association shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each. That the affairs of said association shall be conducted by a board of directors, who shall elect from their number a president, vice president, secretary, treasurer and such other officers as may be necessary for a successful operation of said association. That the persons named in this act shall constitute the board of directors for one year from the date of the passage of this act, at the expiration of which time a board of directors of not less than five nor more than ten may be elected by the stockholders of said association.

SEC. 5. That this act take effect and be in force from and after its passage, and continue in force fifty years.

Approved November 25, 1871.

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## CHAPTER XCII.

AN ACT TO AUTHORIZE THE COUNTY COURT OF WHARTON COUNTY TO LEVY A TAX TO BUILD A JAIL AT THE COUNTY SEAT.

WHEREAS, In the year 1870, the jail at the county seat of Wharton county was destroyed by fire, and the said county is now without a jail; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the County Court of Wharton county be and is hereby authorized to levy annually an *ad valorem* tax on all taxable property in said county, not to exceed fifty cents on the one hundred dollars value of said property, for the purpose of building a good and substantial jail at the county seat of said county.

SEC. 2. That immediately after the passage of this act the assessor and collector of Wharton county shall proceed to assess and collect said tax, and shall be allowed the same rate of compensation allowed for the collection of other taxes, and shall give such bond as the county court may deem necessary.

SEC. 3. That the county court shall take immediate steps to secure the prompt assessment and collection of said tax and for the speedy construction of said jail in said county.

SEC. 4. That this act take effect and be force from and after its passage.

Approved November 25, 1871.

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## CHAPTER XCIII.

AN ACT TO AUTHORIZE THE COUNTY COURT OF MARION COUNTY TO ISSUE COUPON INTEREST-BEARING BONDS FOR THE BUILDING OF A COURT HOUSE AND JAIL FOR SAID COUNTY, AND TO LEVY A TAX FOR THE SAME.

WHEREAS, The county of Marion is without a court house, and the jail of said county is entirely too small and inadequate for the purposes for which it is used; and,

Whereas, The tax authorized by law to be levied by the county court is insufficient to pay the current expenses of said county and to erect the public buildings aforesaid; therefore

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SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the County Court of Marion county be and they are hereby authorized and empowered to issue coupon interest-bearing bonds, in amount not to exceed seventy-five thousand dollars ($75,000) for the purpose of raising money to construct a court house and jail on the square situated in Alley's part of the city of Jefferson, Texas, as set forth in Hodge's plan of said city—bounded by Broadway, Dixon, South, Willard and Crawford streets—for the use of said county of Marion; said bonds to be of the denomination of one hundred to one thousand dollars each, to bear interest at the rate of ten per centum per annum, payable annually.

SEC. 2. That said bonds may be sold, either at public or private sale by order of the county court, and the proceeds arising therefrom shall be paid into the county treasury, and by the treasurer paid out on the order of the county court. The interest due on said bonds shall be received by the collector of taxes for all county dues.

SEC. 3. That the said county court is further authorized to levy and collect a special *ad valorem* county tax, not to exceed one half of one per centum, for the purpose of paying the interest and providing a sinking fund for the final payment of said bonds.

SEC. 4. That said bonds shall be made payable in not less than five nor more than ten years from the date of issuance; but the county court shall have power to redeem the same at an earlier time, should it so determine.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved November 28, 1871.

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## CHAPTER XCIV.

### AN ACT FOR THE RELIEF OF EZEKIEL W. CULLEN.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office be required to issue to Ezekiel W. Cullen the certificate for bounty claims to land to which he may be entitled under the late laws of the Republic of Texas, for his services as a volunteer soldier at San Antonio de Bexar in 1835, by filing the necessary proof in the General Land Office, showing him entitled to said bounty lands.

SEC. 2. That this act take effect and be in force from and after its passage.

Passed November 28, 1871.

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The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER XCV.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CONSOLIDATE IN ONE ACT AND AMEND THE SEVERAL ACTS INCORPORATING THE CITY OF HOUSTON, IN HARRIS COUNTY," PASSED AUGUST 2, 1870.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That for all back taxes due to the mayor, aldermen and inhabitants of the city of Houston, said corporation shall have a right of action in any court of competent jurisdiction; *provided*, nothing in this act shall be construed to permit the recovery of interest on said back taxes, prior to time of institution of suit, for the recovery of said back taxes.

SEC. 2. That this act take effect from and after its passage.

Approved November 28, 1871.

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## CHAPTER XCVI.

AN ACT TO INCORPORATE THE NORTH TEXAS AGRICULTURAL MECHANICAL AND BLOOD STOCK ASSOCIATION.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That George Wilson, Wm. B. Miller, Geo. M. Swink, James Bentley, John C. McCoy, Henry Ervay, Wm. C. McKaney, W. H. Witt, L. E. Combes and W. H. Gaston and their associates and successors, be and they are hereby declared a body cor-

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porate and politic, under the name and style of the North Texas Agricultural, Mechanical and Blood Stock Association, and as such shall be capable of contracting and being contracted with, suing and being sued, having and using a corporate seal, purchasing and holding in fee or otherwise, lands, goods and property, making and altering by-laws, and doing all other acts and things, and having and enjoying all other franchises incident to, or necessary and proper for effecting the objects of their incorporation.

SEC. 2. That the objects of said association are the encouragement and development of agriculture, the advancement of mechanical and industrial pursuits and the improvement of the breed of domestic animals, and for these purposes, said association is authorized to purchase, import, breed, exhibit and sell any kind of domestic animals, and to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the agricultural, mechanical, industrial and manufacturing interest of the people of Northern Texas, and of the whole State; *provided*, that nothing herein contained shall infringe upon the rights of patentees; and for the purpose of carrying out the objects and purposes of this association as above declared, said association is hereby authorized to own the necessary real estate for fair grounds, pastures, etc., not to exceed one hundred acres, and to erect upon the same suitable buildings and improvements for carrying out the objects of this association.

SEC. 3. That the capital stock of this association shall not exceed fifty thousand dollars, divided into shares of fifty dollars each, and that the affairs of said association shall be conducted by a president, vice-president, secretary and a board of seven directors, elected by and from the stockholders annually at such time as the by-laws of the association may prescribe.

SEC. 4. That at any time after the passage of this act, and within twelve months after the date thereof, it shall be the duty of the commissioners named in the first section of this act, or a majority of them, to assemble the subscribers to the capital stock by giving written notice to each stockholder at least ten days previous to such meeting. One of said commissioners, selected by a majority of the others, shall *ex officio* preside at said meeting, and he shall proceed to effect the organization of the company by the election of the president, vice president, secretary and directors, as hereinbefore provided, exacting that at least twenty-five per centum of the stock represented shall be paid down before any vote is cast. The board of directors shall have the power of electing a treasurer to take charge of the twenty-five per centum so paid down; and it is herein

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provided that the duties of the commissioners herein named shall cease from the date of the election of this directory.

SEC. 5. That when the organization provided for herein shall have been effected, and when the directory, through the secretary of the association, shall make a demand for the seventy-five per centum, or any portion thereof due on the capital stock, any stockholder failing to pay up the amount due on his stock, or so much thereof as is demanded by the directory, shall forfeit the twenty-five per centum paid in to the association; *provided*, that ten days' notice of the call for seventy-five per centum of such stock, or any part thereof, be given by written notice to the stockholders owing the same, this notice to be given by the secretary.

SEC 6. That said association shall, by its directory, have power to make such police regulations, for observance upon and within one-half mile of its fair grounds during the holding and continuance of any fair, as shall insure the peace and quietude of persons there assembled; and to carry out this provision each officer of this association, together with such other persons as may be appointed by the board of directors, are invested with all the powers of peace officers in the county of Dallas, and as such are authorized to arrest without warrant, and at once take before any justice of the peace, any person committing any crime or misdemeanor, or acting in a boisterous or disorderly manner within the fair grounds of said association, or within one-half mile thereof, to be dealt with by such justice as the law may require.

SEC. 7. That the stockholders of this association may at their annual election of officers adopt such by-laws for the government of the association for the ensuing year as they may deem proper, and that are not in violation of the Constitution and laws of this State.

SEC. 8. That the legal domicile of this association shall be in the city of Dallas, Dallas county, Texas.

SEC. 9. That this act be in force from and after its passage, and shall continue in force for fifty years.

Approved November 28, 1871.

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## CHAPTER XCVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE MERCHANTS MUTUAL INSURANCE COMPANY, APPROVED SEPTEMBER 19, 1866.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section two of the act of incorporation of the Merchants Mutual Insurance Company, approved September 19, 1866, be amended so as to read as follows: "Sec. 2. That the capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, divided into shares of fifty dollars each, which said shares shall be fully paid up within ninety days from the passage of this act in instalments as the same shall be called for by the president and board of directors of said corporation; and if any stockholder shall fail to pay any instalments so required to be paid, he or she shall cease to be a member of said corporation and shall forfeit his or her stock, and the share or shares so forfeited may be sold by said corporation in such manner as they may think proper; but such forfeiture and sale of such stocks shall not release the holder thereof, nor his or her sureties, on the notes heretofore given by him or her for the unpaid balance due on said stock."

SEC. 2. That whenever the balance due upon said stock shall be fully paid in cash as required by section one of this act, the directors of said corporation shall cause the stock notes heretofore given to be delivered up, canceled to all the makers thereof who shall have so paid up their stock, and thereupon the liability of the maker and endorsers of such notes shall cease and determine.

SEC. 3. That this act take effect and be in force from and after its passage.

Passed November 28, 1871.

The foregoing act, received in the office of the Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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## CHAPTER XCVIII.

AN ACT TO INCORPORATE THE CLEBURNE CROSS TIMBER RAILWAY COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. W. Beal, E. M. Heath, J. W. Ferris, E. W. Rogers, Jo. Kemble, John Williams, Spencer Ford, A. D. Kennard, A. C. Hoyle, S. P. Hollingsworth, S. Millican, S. Myers, and their associates and successors, be and are hereby constituted a body corporate and politic, by the name and style of the Cleburne Cross Timber Railway Company, and by said name shall have succession and a common seal, with capacity to make contracts, and in its corporate name to sue and be sued; to make by-laws for its general government and management; and generally to do and perform all such acts and things as may be necessary and proper for or incidental to the fulfillment of its obligations or maintenance of its rights under this act, consistent with the Constitution of this State and of the United States. A majority thereof shall meet in the city of Cleburne within ninety days after the passage of this act, and elect such officers as may seem to them best to further the objects of the incorporation, and shall forthwith thereafter open books for the subscription of stock for a period not less than two weeks.

SEC. 2. Said company is hereby authorized to construct, own and maintain, and to equip and operate a continuous line of railway, with a single or double track of such gauge as said company may deem best, as well as a telegraph line from some point on the Houston and Texas Central Railroad within the county of Ellis, by way of the town of Waxahachie, in said county, to the city of Cleburne, in Johnson county, at which point a depot shall be established and thence in a westerly or northwesterly direction, with the privilege of connecting with the Southern Pacific or Trans-Continental Railroad.

SEC. 3. That to effect the objects of this incorporation, the said company shall have the right, in their corporate name, to purchase, own, use and sell lands or other property, personal or real, and to accept donations of lands or any other species of property whatsoever, or to receive the same in payment for subscription of stock, and to issue stock therefor as contracting parties may agree upon; to use such weight of iron per lineal yard as may be deemed best; to fix the capital stock of said company at the sum of three millions of dollars, with the privilege of increasing it to an amount not to exceed six millions of dollars, which shall consist of shares of one

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hundred dollars each, transferable as the the by-laws of said company may direct. In the election of officers, each share shall entitle the owner thereof to one vote, which may be given by himself or proxy authorized by written instrument. The board of directors shall have the right and power to require payment of the stock subscribed, in such instalments and at such times and places as the by-laws of the company may provide.

SEC. 4. The persons named in the first section of this act, or a majority of them, shall meet in the city of Cleburne within ninety days from the passage of this act, and temporarily organize this company hereby incorporated, by electing a president, vice president, secretary and a board of directors, which said board of directors shall consist of not less than seven nor more than nine persons. The president shall be *ex-officio* a member of the board of directors. The president shall have the power to appoint the engineer of said railroad with the power to remove him, by and with the consent of the executive committee. The said officers shall continue in office for the period of not more than one year, within which time they shall permanently organize by calling together the stockholders in said company, and holding an election for a like number of directors as is named for the temporary organization. The said elections may be called by the president, or on his failure to do so, by any three directors. The directors shall have power to appoint an executive board, and confer on it such powers as they may deem necessary, and such other officers and agents of the company as may be deemed necessary, or may authorize and direct the president to do the same.

SEC. 5. That the right of way through the public lands of the State, along the line of said road, be and the same is hereby granted to said company, to take from public lands adjacent to said road, stone, earth, timber and other material for the construction thereof; and the right of way is hereby granted to said company to the extent of two hundred feet in width where it passes over public lands, including all necessary lands for stations, buildings, work-shops, switches, side tracks, turn tables and water stations, not to exceed forty acres at any point along said main trunk; and when the same shall pass through the lands of private persons, the right of way is hereby secured in accordance with the general laws of the State now in force, and said company is also authorized to cross other roads and highways in the same manner as is now provided by law.

SEC. 6. The said company may locate its principal office at any point along the line of said road as to them may be deemed best, but this shall not prevent the establishment of branch offices at such other places as said company may deem best for the transaction of



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its business. This act shall be deemed and held a general statute, and need not be specially pleaded in suits by or against the company. All suits by the company may be prosecuted by the president, vice president or secretary of the company, and suits may be maintained against said company by service of process being had on the president thereof, and in case of his absence from the State, service of process on secretary of the same, and shall be prosecuted in the county where their principal office is established; *provided*, that suits against said company may be maintained in any county through which said road is located, for damages for accidents from neglect of employés.

SEC. 7. That said company shall have completed and in running order at least ten miles of their road in two years after the organization thereof, and complete said road to Cleburne within four years thereafter, and this western division in ten years after, and in default thereof, shall forfeit all the franchises hereby granted, except as to the part in running order; *provided*, that should war, epidemic, revolution or internal strife ensue, or delay the construction of said road thereby, the time the company nor workmen shall in no wise be hindered or delayed in the construction of said railway or telegraph line.

SEC. 8. That this act take effect and be in force from and after its passage.

Approved November 29, 1871.

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## CHAPTER XCIX.

### AN ACT TO INCORPORATE THE JEFFERSON CITY STREET RAILWAY COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That C. D. Morris, W. H. Johnson, Charles M. Campbell and Marshall Marsh, of the city of Jefferson, county of Marion, and their associates and successors, are hereby declared a body corporate and politic, under the name and style of the Jefferson City Street Railway Company, by which name they may contract and be contracted with, sue to final judgment and be sued, plead and be impleaded, issue bonds, and borrow money for the construction, equipment and maintenance of their road; buy and sell real and personal estate, and generally do all acts necessary to carry out the objects and designs of said company.

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SEC. 2. The legal domicile of said company shall be in the city of Jefferson.

SEC. 3. The object of said company is declared to be to build, equip, own and operate street railways in the streets of the city of Jefferson, and also in such parts of Marion county as may be continuations of said streets, or of said railroads; and this company, under this act, is authorized to build such roads on any street within the corporate limits of the city of Jefferson, as may hereafter be agreed upon by the mayor and aldermen of the city of Jefferson and the said Jefferson City Street Railway company, with the right to use such motive power as may be agreed upon between this company and the said mayor and aldermen of Jefferson.

SEC. 4. The capital stock of this company shall be two hundred thousand dollars, divided into shares of twenty-five dollars each; said shares shall be transferable on the books of the company, in person or by attorney.

SEC. 5. Subscriptions for shares to the capital stock of this company shall be paid in such sums and at such times as may be agreed upon by the by-laws of said company. When any stockholder shall make default in the payment of the assessment of his stock, it shall be sold by the president of said company, after thirty days' public notice, published in some newspaper in the city of Jefferson, which sale shall be an absolute conveyance in fee simple of such stock to its purchaser, he also paying the remaining instalments which may be due.

SEC. 6. This company shall, at their first meeting, make by-laws for their government, not inconsistent with the Constitution and laws of this State or this act of incorporation, and no by-laws shall take effect until approved by a majority of the stockholders.

SEC. 7. That the parties named in the first section of this act, or a majority of them, are hereby declared commissioners, whose duty it shall be, within three years after the passage of this act, to organize said company, as may be determined by a majority of them. The stockholders shall elect a board of not less than five nor more than seven directors, who shall elect from their number a president; and they shall also elect such other officers as the by-laws may require.

SEC. 8. That all contracts made or entered into by and between the mayor and aldermen of the city of Jefferson and the said company, or any privileges or rights granted by the said mayor and aldermen of the city of Jefferson to the said company, shall be in all respects legal and binding on the aforesaid contracting parties.

SEC. 9. This charter shall remain in full force and effect for the period of fifty years.

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SEC. 10. That all acts, laws or parts of laws, ordinances or declarations conflicting with this act of incorporation be and the same are hereby repealed; *provided*, that nothing herein contained shall annul or set aside any ordinances or laws of the city of Jefferson.

SEC. 11. That this act shall take effect from and after its passage.

Approved November 29, 1871.

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## CHAPTER C.

AN ACT TO INCORPORATE THE TOWN OF DRESDEN, IN NAVARRO COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the citizens of the town of Dresden, in Navarro county, be and they are hereby declared a body politic and corporate under the name and style of the Town of Dresden, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real, personal and mixed; *provided*, such real property is situated within the limits of said corporation; and shall have a common seal to authenticate instruments of writing when it shall be required.

SEC. 2. That it shall be the duty of the citizens of said corporation to elect mayor, marshal and five aldermen; that the marshal shall be *ex officio* assessor and collector of taxes; that said aldermen shall elect from their own body a treasurer and secretary, and shall have power to appoint such other inferior officers or agents as they may deem necessary for said corporation. The treasurer and assessor and collector of taxes shall each be required to give bond with security, to be approved by the mayor, for the faithful performance of their duties, and to make reports when required by the board of aldermen. And the mayor shall have power to suppress riots and disturbances of the peace, to call out the citizens of said corporation for the purpose of restoring order, and to impose a fine, not to exceed twenty-five dollars, on any citizen of said corporation for refusing to obey such call.

SEC. 3. That no person shall be eligible to any office under the provisions of this charter who is not a qualified voter of this State, and shall have been a resident within the limits of said corporation

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for at least six months prior to his election; nor shall any person have a right to vote for officers who has not been a citizen, and resident within said corporate limits, at least six months next preceding the day of said election.

SEC. 4. That the mayor and board of aldermen of said corporation shall have power to pass such rules and regulations, and ordinances, as may be necessary for the preservation of law and order within the corporate limits; for the levying of taxes; for the removal of nuisances, and keeping the streets in good order; and for any and all other purposes necessary to promote the public welfare and good government within said corporate limits; and they shall have power to prescribe penalties for the violation of the laws and ordinances of the corporation; *provided*, no tax shall ever be levied exceeding one-half of the State tax, allowed by law; *and provided, further*, that they shall, in no case, prescribe penalties to exceed one hundred dollars, or imprisonment for more than fifteen days.

SEC. 5. That the limits of said corporation shall be one half mile in every direction from John Sparks' store house, so that said store house shall be in the center of said corporation.

SEC. 6. That the mayor, with a majority of the board of aldermen, shall constitute a quorum for the transaction of business; and in the absence of the mayor, the board of aldermen shall elect one of their own number mayor *pro tempore*. The mayor shall have the casting vote in case of a tie.

SEC. 7. That the mayor, marshal and aldermen shall hold their offices for a term of one year; that no election shall be held until the next election for members of the State Legislature; that the Governor be and is hereby authorized to appoint a mayor, marshal, and five aldermen for said corporation.

SEC. 8. That the board of aldermen shall have power to enact by-laws, ordinances and regulations, not in conflict with the laws or Constitution of this State, for the good government of said corporation.

SEC. 9. That this act take effect and be in force from and after its passage.

Approved November 29, 1871.

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## CHAPTER CI.

AN ACT TO AUTHORIZE THE COUNTY COURT OF GALVESTON COUNTY TO ISSUE INTEREST-BEARING BONDS FOR THE PURPOSE OF FUNDING THE PRESENT OUTSTANDING INDEBTEDNESS OF SAID COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the County Court of Galveston county is authorized to issue from time to time interest-bearing and coupon bonds for such sums and in such amounts and payable at such time as said court may deem proper; *provided*, that the bonds hereby authorized shall be issued only for the purpose of funding the present outstanding indebtedness of said county, of every character whatsoever due and to be due, and when such bonds are issued, said court shall at the time of ordering such issue also provide for the payment of the interest on said bonds and a sinking fund to meet the principal, under the laws now in force.

SEC. 2. That this act shall take effect from and after its passage.

Approved November 29, 1871.

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## CHAPTER CII.

AN ACT TO INCORPORATE THE TEXAS LIVE STOCK INSURANCE COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That C. C. Allen, S. K. Labatt, J. K. Speirs, W. R. Johnson, Selim Rinker, Thos. E. Campton, and N. H. Ricker, and their associates and successors, be and they are hereby constituted and created a body corporate and politic, under the name and style of the Texas Live Stock Insurance Company.

SEC. 2. Said company shall have succession and a common seal, with power to sue and be sued; plead and be impleaded; to grant and receive in their corporate name; to make by-laws for their government; and generally to do and perform all such acts and things proper and necessary to be done by corporate bodies, to carry into effects the objects and ends of said incorporation, not inconsistent withe Constitution and laws of the United States or of the State of Texas.

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SEC. 3. The capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to two hundred thousand dollars. The capital stock shall be divided into one thousand shares of fifty dollars each. Parties subscribing to the capital stock shall pay ten per centum of the amount subscribed at the time of subscription, and ten per centum monthly thereafter, until the full amount is paid. Any stockholder failing to pay his instalment, ten days after notice is served upon him that the same is due, may be charged a fine of fifty cents on each share for each instalment not paid in, until the fines shall have absorbed the amount paid; then the share shall become forfeited to the company.

SEC. 4. The object of said company is declared to be the insurance against death, by accident or natural causes, of stock, horses, mules and milch cows. No dividend shall be declared to stockholders for a sum over 25 per cent. on the par value of their stock. All gains or profits made over this amount shall be declared in dividends to policy holders, *pro rata* on the amounts paid in by them as entrance fee. Each person offering stock, horses, mules, or milch cows, for insurance in said company, shall, on application, pay into the treasury thereof an amount equal to 10 per cent. of the value of the animal to be insured; which said payment shall entitle the policy holder to receive, within five days after the death of any animal so insured, the full value of such animal at the date on which the policy was taken. Upon the notice of the death of any animal insured being furnished to the company, an assessment shall be made of a sum sufficient to cover said loss, *pro rata* on the entrance fee of each policy holder, and a further sum of twenty-five cents to pay the expenses of the company; which amounts shall be called for by notice served upon each policy holder. No such assessment shall be for a sum greater than the amount of the entrance fee, and should any policy holder fail to meet and pay each assessment, within twenty days after the service of such notice, all sums of money he may have previously paid into the treasury of the company shall be forfeited, his name stricken from the books of the company, and the liabilities of the company, upon the policy issued to him, shall cease.

SEC. 5. In the event of the death of any animal insured by this company, the owner thereof shall immediately report the same to the company and its inspector; which inspector shall investigate the cause of said death, whether by accident, natural cause, cruelty, or fraud. And no policy holder shall recover any money of said company without having first obtained and presented from the inspector of said company, a certificate stating the cause of the death of the animal.

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SEC. 6. Each and every person insuring an animal in this company shall have the same branded with the brand of the company, or have some other mark of identification by which to identify said animal, which brand or mark must be stated in the policy.

SEC. 7. The company shall be managed by a board of directors of not less than five nor more than eleven. The incorporators herein named, in section one, shall have the power to organize the company, and shall constitute the board of directors, and continue in office for one year, at the expiration of which time an election by the stockholders shall be had of such officers and agents as may be deemed necessary for the proper management and control of the company.

SEC. 8. That this act shall take effect and be in force from and after its passage, and continue in force for fifty years.

Approved November 29, 1871.

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## CHAPTER CIII.

### AN ACT FOR THE RELIEF OF DILLARD COOPER.

WHEREAS, Dillard Cooper was one among the fortunate few who escaped death from the Mexicans at Fannin's massacre, at Goliad, in the revolution of 1836, and he was among the gallant defenders of Texas in her early revolutionary struggle; and

Whereas, He is now old, infirm, diseased, and destitute of the means of subsistence; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That said Dillard Cooper be allowed the sum of two hundred and fifty dollars ($250) annually, to be paid in Treasury warrants; one-half of said amount to be paid on the first day of February, and the other half on the first day of August, in each year, and that the Comptroller is hereby authorized to draw his draft for said amount on the Treasurer, payable on the days above specified, in each and every year, during the natural life of said Cooper.

Approved November 29, 1871.

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## CHAPTER CIV.

AN ACT TO RE-ORGANIZE THE TOWN OF BRYAN, IN BRAZOS COUNTY, TEXAS, AND INCORPORATE SAID TOWN AS THE CITY OF BRYAN.

*Be it enacted by the Legislature of the State of Texas*, as follows:

### *Article I.—The Corporate Powers.*

SECTION 1. The corporation now existing and known as the Town of Bryan, in Brazos county, Texas, shall continue to be a body corporate in fact by the name and style of the City of Bryan, and shall have perpetual succession with all the grants, powers and privileges now and heretofore held by said corporation, and not modified or repealed by the provisions of this act. Said corporation shall also have such enlarged jurisdiction and additional powers as are hereinafter conferred by this act, and shall have a seal to authenticate all their instruments of writing, with a star in the center and the letters T-E-X-A-S between the points of said star, with the additional words City of Bryan around the edge of said seal.

### *Article II.—Limits of the Corporation.*

SECTION 1. The limits of the corporation shall be ascertained and defined as follows, to-wit: Commencing at a point seventeen hundred yards due south from the center of the court house square, thence due east seventeen hundred yards, thence due north thirty-four hundred yards, thence due west thirty-four hundred yards, thence due south seventeen hundred yards, thence due east seventeen hundred yards to the place of beginning.

### *Article III.—Extent of Jurisdiction.*

SECTION 1. The jurisdiction of the corporation of the City of Bryan shall be co-extensive with the limits as defined in article second, and shall also include the distance of five miles for all sanitary purposes in every direction from the center of the court house square.

### *Article IV.—Officers.*

SECTION 1. The elective officers of the corporation shall be one mayor, five aldermen and one marshal.

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SEC. 2. The mayor and aldermen shall constitute the Common Council of the City of Bryan, and when in session as such common council may appoint and remove at their pleasure such subordinate officers as may be needed from time to time to secure an efficient administration of all ordinances of the corporation.

*Article V.—The Powers of the Corporation.*

SECTION 1. The powers of the corporation shall be vested in the mayor and aldermen, and a majority of the aldermen present at any regular or called session shall constitute a quorum competent to do business.

SEC. 2. The form of all ordinances shall be as follows: "Be it ordained by the Common Council of the City of Bryan."

SEC. 3. No ordinance shall take effect and be in force until the same is published for two weeks in a newspaper published within the corporate limits of the City of Bryan, or in the absence of such newspaper by posting up such ordinances in at least six public places within the limits of the corporation for the length of time above stated. Sanitary ordinances, when their speedy enforcement is deemed necessary by the common council, may be made to take effect the day after their being posted up in at least twelve public places within said limits.

SEC. 4. The common council, by ordinances, shall have power as follows:

First—To appoint a clerk and treasurer, and such other subordinate officers as may be required, and require bond and proper security for the faithful performance of their duties; to prescribe the duties to be performed by such subordinate officers; to prescribe the duties to be performed by the clerk, treasurer, marshal and other subordinate officers, respectively, and to enforce their performance in such manner and mode as said common council may deem appropriate, not inconsistent with the laws of the State.

Second—To fix the salaries of all officers entitled to the same, either by this act or by an ordinance of the common council.

Third—To levy taxes on all property within the limits of the corporation, subject to taxation, under the laws of the State; but said taxation is not to exceed one-half of one per cent., *ad valorem*, as estimated in the assessment for State taxes, and to levy occupation taxes on all occupations which are taxed by the State, not to exceed the amount so levied by the State, and to levy a specific tax on dogs.

Fourth—To collect said taxes through the city marshal, in the

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mode and manner prescribed by law for the collection of the State taxes.

Fifth—To license merchants and traders in goods, wares and merchandise of every description; wholesale and retail wine and liquor dealers, wholesale and retail grocers; apothecaries, innkeepers and boarding houses; brokers and money-changers; carts, wagons, hacks, coaches, drays and livery stables; hawkers and peddlers; showmen, theatres, pawn-brokers and the keepers of beer saloons; barbers, fruit stands, beer gardens, and all other occupations, and to collect said licenses through the city marshal, in the mode and manner prescribed by law for the collection of licenses granted by the State.

Sixth—To regulate the use of the streets, highways, roads, and public places, by foot passengers, vehicles, railways and locomotives.

Seventh—To regulate the use of the sidewalks, and corner stands on the corners of lots and blocks.

Eighth—To prevent and remove encroachments upon, and obstructions to, the streets, highways and public places.

Ninth—To regulate the openings of street surfaces, and to extend the streets as laid down in the recorded plot or plat of said city, in continuation to the corporate limits of said city, if practicable.

Tenth—To regulate the laying of gas or water pipes, and erecting of gas lights.

Eleventh—To regulate or prevent the throwing of ashes, offal, dirt or garbage in the streets.

Twelfth—To regulate or prevent animals running at large, or being rode, driven or led through the city.

Thirteenth—To regulate the cleaning and grading of the streets and sidewalks, the making and cleaning of gutters.

Fourteenth—To regulate the erection, use, and continuance of slaughter houses and market houses.

Fifteenth—To define, regulate and control the conduct of police, and their relation to other officers of the peace and other persons in respect to maintaining peace and good order, and preserving the right of persons and property.

Sixteenth—In relation to street beggars, mendicants and vagrants.

Seventeenth—In relation to the use of guns, pistols, fire arms, fire crackers of all kinds, within the city.

Eighteenth—In relation to the keeping and storage of gunpowder and other explosive materials.

Nineteenth—In relation to intoxication, quarreling and fighting in the streets and in places of public amusement.

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Twentieth—In relation to public morals, in exposing the person or exhibiting obscene pictures.

Twenty-first—In relation to the public health, the prevention and removal of nuisances, the regulation of interments, the business of bone boiling or grinding, meat packing, soap making, and other occupations, or occupation, noxious to health and comfort, and to removal, keeping and deposit of manure, offal and garbage.

Twenty-second—In relation to disorderly and gaming houses, their inmates and frequenters, the suppression of vice and immorality.

Twenty-third—In retation to the construction, care and use of markets and wharves or platforms.

Twenty-fourth—In relation to quarantining in apprehension of, or during epidemics.

Twenty-fifth—In relation to the passengers and freight trains at the depots and wharves or platforms.

Twenty-sixth—In relation to the prevention and extinguishment of fires and the formation of a fire department, its officers, its regulations and support.

Twenty-seventh—In relation to the assessment and collection of assessments made on the owners of lots and blocks, for the grading, filling up and improving the side-walks and streets adjacent to said lots and blocks, which assessment is hereby made a charge against the owners of such lots and blocks, and a charge and lien on said lots and blocks.

Twenty-eighth—In relation to the affixing of a penalty for a violation of any ordinance, and the collection of said penalty.

Twenty-ninth—In relation to the erection of a city hospital, its conduct and maintenance.

Thirtieth—In relation to the inspection, weighing and measuring of fire wood, hay, straw, and the cartage of the same.

Thirty-first—In relation to the inspection and sealing of weights and measures, and enforcing the keeping and use of proper weights and measures by vendors.

Thirty-second—In relation to public order and keeping the peace.

Thirty-third—In relation to the mode and manner of proceedings of their own body when in session.

Thirty-fourth—In relation to the time, necessary notices, mode and manner of holding elections for elective officers of the corporation; also, in relation to contested elections for elective officers.

Thirty-fifth—In relation to the employing of legal counsel for the assistance of the common council, and to prosecute on behalf of the corporation in criminal cases, and to institute and defend civil suits in their behalf.

Thirty-sixth—In relation to the employment of a city surveyor.

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Thirty-seventh—In relation to the employment of an adequate police force and night watchmen.

Thirty-eighth—In relation to the imposition of fines and penalties for the violation of ordinances.

Thirty-ninth—In relation to trust property.

*Article VI.—Tenure of Office of Elective Officers.*

SECTION 1. Elective officers—for one year from the date of their instalment, and until their successors are qualified.

SEC. 2. All elections to fill vacancies shall be for the unexpired term of the office to be filled.

*Article VII.—Publicity of the Proceedings of the Common Council.*

SECTION 1. All the proceedings of the common council shall be recorded in proper journals and books kept for that purpose, and shall be open to the inspection of the public.

*Article VIII.—The Mayor—His Duties and Salary.*

SECTION 1. The mayor, when present at the session of the common council, shall be the presiding officer; he shall have the casting vote in case of a tie.

SEC. 2. The mayor shall have power to act in a judicial capacity, and alone, in all cases arising within the jurisdiction of the corporation, involving a breach of the peace, a violation of any penal ordinance of the common council, and a violation of any law in the criminal code of this State.

SEC. 3. In cases of a breach of the peace or a violation of a law in the criminal code of this State, the mayor shall have the same power as is conferred by law on a justice of the peace in relation to the same subject matter. In relation to a violation of penal ordinances passed by the common council, he shall have power to try the same, and, on conviction, to execute the penalty through the city marshal, sheriff, constable or policeman, in the mode and manner prescribed in the ordinance violated.

SEC. 4. The mayor as a judicial officer, on complaint made before him under oath, shall have power to issue writs of arrest and warrants for all violations of the ordinances of the corporation and for all violations of the criminal code of this State; and when such violations of ordinances and of the criminal code of the State are committed in his view, he shall have power to arrest without

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complaint being made, and without a writ of arrest or warrant. He shall also have power to issue subpœnas for witnesses.

SEC. 5. The mayor shall cause, as a judicial officer, the clerk to keep a record of all his (the mayor's) proceedings, and transmit the same to the common council on the termination of his office, and the same shall be kept as an archive of the corporation.

SEC. 6. The mayor shall at all times, by virtue of his office, see that the ordinances of the common council are executed; that all subordinate officers perform their duties, and as occasion may require report to said council as to delinquencies and misconduct of such officers. He shall also, from time to time, recommend to the council such measures for consideration as he may deem important.

SEC. 7. The mayor shall receive an annual salary, to be fixed as to the amount by the common council preceding his term of office. As a judicial officer, he shall receive the same fees as are or may be by law provided for a justice of the peace.

## *Article IX.—Finances.*

SECTION 1. All property, real and personal, acquired by the corporation of the City of Bryan, whether by conveyance, donation, bequest, or by the imposition of taxes, fines or penalties, or the granting of license, or acquired from any other source or in any other manner, shall be held in trust by said corporation for the use and benefit of the same, and shall be appropriated for no other purpose.

SEC. 2. The funds of the corporation shall be used—

First—To sustain the municipal government.

Second—For such improvement in, and adornment of the city as shall be sanctioned by a majority of the members of the common council.

SEC. 3. The corporation shall not incur debts to exceed at any one time the sum of ten thousand dollars ($10,000). If the common council deem it advisable to incur debts exceeding that amount, they may specify the amount desired and submit the question to the legal voters within the corporate limits, and the same shall be sanctioned by a majority of the votes cast.

## *Article X.*

SECTION 1. The mayor and aldermen shall have power and authority to pass ordinances regulating bawdy houses, houses of ill fame or of prostitution, to license the same or abate the same.

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*Article XI.*

SECTION 1. The qualified electors for State and county officers, who shall have resided three months next preceding an election within the corporate limits of the City of Bryan, shall be allowed to vote for all elective officers of the corporation.

*Article XII.—General Provisions.*

SECTION 1. Upon the passage of this act, the persons now filling the offices of the City of Bryan shall continue in office, subject to the provisions of an act entitled "An act to authorize the Governor of the State to fill vacancies," passed by the Twelfth Legislature.

SEC. 2. In all questions of conflict arising out of the terms used and provisions made in the general law under which the Town of Bryan was originally incorporated and the terms used and provisions made in this act, this act shall have the preference and govern.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved November 29, 1871.

## CHAPTER CV.

AN ACT TO INCORPORATE THE LONE STAR FERRY COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. D. Johnson, Charles N. Eley. P. Trowbridge, R. T. Underbill, D. Creary and their associates and successors be and they are hereby created a body corporate and politic under the name and style of the Lone Star Ferry Company, and as such shall have the right to sue and be sued, plead and be impleaded, purchase, hold or dispose of any real or personal property, and make all contracts necessary to the carrying out of the purposes of this charter of incorporation.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, which may be increased at any time by a vote of the majority of the stockholders. Said stock shall be divided into shares of one hundred dollars each, and in all elections by the company, each share shall represent one vote; *provided*, the owner of the share be present to vote, or said share is voted by a duly authorized agent.

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SEC. 3. That said company shall form a preliminary organization consisting of the above named incorporators, who shall be directors until permanent organization, and who shall elect out of their own number a president, secretary and treasurer, who shall be the temporary officers of the company until the permanent organization thereof; and whenever the sum of five thousand dollars of the capital stock has been taken, said president shall at once call a meeting of the stockholders, giving ten days personal notice or by publication for twenty days in some newspaper, published in the county, of the time and place of such meeting, when and where there shall be a permanent organization of the company by the election of a president, vice president, secretary and treasurer, and any other officers deemed necessary, including a board of five directors. The stockholders shall elect the directors, and the directors shall elect all other officers. The stockholders shall also adopt by-laws for the government of the company.

SEC. 4. That said company shall have the right to purchase and use ferry boats and establish ferries between any point or points on Galveston Island, including the east end of said island, and to and including ten miles west of said east end, and any point or points on the mainland between Bolivar Point and Virginia Point, and including said points, to connect said island with the mainland. And in order to encourage said company in the construction of safe and reliable boats and in keeping up a ferry or ferries in a good, substantial and safe manner, they are hereby granted the right to construct, own and run ferry boats for the convenience of passengers, live stock and freight at any point between the said east end and ten miles west thereof on said island, and from said Virginia to said Bolivar points on the mainland; *provided*, that the franchises herein granted shall not interfere with the navigation of the San Jacinto or Trinity rivers, or bayous navigable for steamboats.

SEC. 5. That the franchises herein granted shall vest for the period of fifty years, and shall in no respect be modified except by request of said company during that time. Said company shall have the right to purchase and own ferry landings and construct all necessary wharves and warehouses or depots requisite to the proper conduct of their business.

SEC. 6. That this act shall take effect and be in force from and after its passage, and be in force for fifty years.

Approved November 29, 1871.

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## CHAPTER CVI.

AN ACT TO AMEND THE THIRD SECTION OF AN ACT TO INCORPORATE THE GALVESTON BAY DREDGING COMPANY, PASSED JUNE 30, 1870.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the third section of the act entitled "An act to incorporate the Galveston Bay Dredging Company," passed June 30, 1870, be and the same is hereby amended so that it shall read in the following words, to-wit: "That the said company be and is hereby authorized and empowered to deepen and render suitable and convenient for navigation, by dredging or otherwise, the bar obstructing the mouth of or entrance to the Trinity river, which is commonly known as 'McManus' Pass.'"

SEC. 2. That this act take effect from and after its passage.

Approved November 29, 1871.

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## CHAPTER CVII.

AN ACT TO INCORPORATE THE INDIANOLA DREDGING COMPANY, AS HEREIN SPECIFIED.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Henry Seeligson, Jonathan Payne, August Heyck, F. E. Hughes and W. Westhoff, of the city of Indianola, and their associates and successors, be and they are hereby constituted and created a body corporate, by the name and style of the Indianola Dredging Company, and by said name shall have succession and a common seal, with capacity to make contracts; and in its said corporate name shall have the right to sue and be sued, to grant and receive, to buy, sell and convey any property, whether real, personal or mixed; to make by-laws for its general government, and the management of its business, and generally to do and perform all such acts and things, consistent with the Constitution of this State and of the United States, as may be necessary and proper for, or incidental to the fulfillment of its obligations, or the maintenance of its rights under this act; and the said above named corporators shall constitute a



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board of commissioners, for the time being, to organize said company, and a majority of said commissioners shall constitute a quorum to do business.

SEC. 2. The said company is hereby authorized to dredge a channel from the ships' anchorage, in Matagorda bay, across Powderhorn bayou bar, into Powderhorn bayou, to any distance in the rear of the city of Indianola that may be deemed necessary, as per plan of the said city, and so to construct the sides or banks of said channel, and secure them by driving piles and planking and curbing them, or by walling them with stone or other material, as may be necessary to secure the banks or sides of the channel from abrasion by the action of the tides; and further, to make said channel of such depth and width that any vessel drawing not more than eight feet of water can pass in and out with convenience and without delay. The said company shall not be allowed to make any portion of the channel more than one hundred and twenty-five feet wide, except at such places where it may be necessary to make it of greater width, to enable vessels entering the channel to turn around and pass out with dispatch; but said company shall have the right and privilege of making Powderhorn bayou of the uniform width of at least one hundred feet, and not more than one hundred and twenty-five feet, and of the depth of at least eight feet.

SEC. 3. That upon condition that said company shall make a channel of not less than eight feet deep and one hundred feet wide, and shall continue to maintain said uniform depth, with good and substantial embankments on both sides of said channel, from the ships' anchorage to the margin of ordinary low tide, then the said company may procure a lease, and have set apart to them by the corporate authorities of the city of Indianola, for the use of said company, sixty feet on each side of said channel, across the flats from the ships' anchorage in Matagorda bay aforesaid, to the margin of the water at ordinary low tide.

SEC. 4. The said company shall have the right to appropriate to their own use, so much of Powderhorn bayou as may be necessary to enable the company to dredge a channel of the width and depth hereinbefore provided, to the head or upper end of the contemplated harbor in the rear of the city, and for one or more basins of the same depth, and not less in width than two hundred feet, by paying to the owners or proprietors the reasonable cash value thereof, at the time the same shall be taken possession of by said company for such purpose.

SEC. 5. That if said company, and the owner or owners of any private property to be appropriated as authorized in this act, shall not be able to agree upon the price to be paid for said property,

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the owner or owners, their agent or attorney may apply to the judge of the district court in the district in which the said city of Indianola is situate, and it shall be the duty of the judge of said court so applied to, to appoint three disinterested freeholders, citizens of Calhoun county, and State of Texas, to assess the damage, and said freeholders, being first duly sworn to assess the value of the property appropriated, and having given the parties due notice in writing of the time and place of meeting to appraise the value of the property, and hear the testimony in the case, shall proceed, after full investigation, to make their award, and shall immediately return it to the court from which the order emanated, and said court, at its next term thereafter, shall pass upon the same as in ordinary cases of awards by arbitrators, and confirm or set aside the award, as the justice and equity of the case may require, and either party who may feel aggrieved by the award shall have the right to appeal therefrom as in other cases.

SEC. 6. That when the said company shall have completed the channel as authorized aforesaid, from the ships' anchorage into Powderhorn bayou and as far west as Main street, and in such a manner that vessels can enter through said channel, and land and discharge and receive cargoes, then the said company shall be authorized to demand and receive charges upon all goods, wares and merchandise of every description passing through said channel, said charges being established by the corporate authorities of the said city of Indianola; and the said company shall pay over, annually, to the city of Indianola, one-half of one per cent. on the gross earnings of said company, one-half of which amount shall go to the school fund of the State, and the residue to said city of Indianola; *provided*, that no vessel drawing three feet of water or less shall be subject to the above tariff or charges.

SEC. 7. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, with the privilege of increasing said capital stock to one hundred thousand dollars, to be divided into shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote, in person or by proxy, at all elections held by stockholders.

SEC. 8. Said commissioners are hereby authorized to open books for subscription of stock, and whenever as many as one thousand shares of said stock are subscribed for, and five per cent. thereof paid in, then the said commissioners, or a majority of them, shall call a meeting of the stockholders, at which meeting said stockholders shall elect a board of directors of not less than five nor more than seven persons, who shall each be owner in his own right of at least five shares of the capital stock of said company; said directors so

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elected shall choose one of their own number president, and said president and directors shall have authority to appoint a secretary and treasurer, and such other agents and employés as the interests of the corporation demand, and to take bonds with such good and sufficient security for the faithful performance of their duties, as they may think just and proper.

SEC. 9. The office of said company shall be located in the city of Indianola, and all meetings of directors and stockholders for the transaction of business, shall be held in said city. After the first election of directors and choice of president as aforesaid, the said directors shall be elected, and president chosen annually, on the first Monday of May, as aforesaid; and if, from any cause, the election shall not be held on that day, it may be held as soon thereafter as practicable. Whenever the stockholders shall have elected directors, and said directors shall have chosen a president, and appointed a secretary and treasurer, then the said commissioners shall deliver the books of said company to the aforesaid president and directors, and shall also pay to the said treasurer all funds and amounts received, whether by subscription to stock, donation, or otherwise, for the use of said company, reserving a reasonable amount for their services for transacting the business of the company.

SEC. 10. The directors shall have the power to call on the stockholders from time to time, for such amount or instalments of the stock held by them, as said directors shall deem expedient and proper for the interest of said company, and any stockholder who shall fail to pay the amount of the call, after notice of thirty days served on him in writing, shall forfeit his right to hold said stock, and the directors shall sell the same, after twenty days' advertisement in a newspaper published in said city. Should any stockholder desire to withdraw from said company, he or she may sell his or her stock, and have it transferred on the books of said company, and thereby be released from all responsibility as stockholders therein, for any losses the company may sustain, after the transfer shall have been made and recorded, and he or she shall be debarred from any benefits or profits thereafter. The stock or shares in said company shall be personal property, and transferable by assignment entered on the books of the company, and each stockholder shall be held liable only for his or her amount of stock owned therein.

SEC. 11. The directors shall call the stockholders together whenever the interest of the company require it. Said directors shall discharge their duties until their successors are elected and installed, and shall have power to fill vacancies that may occur by resignation or otherwise, from time to time, until the regular elec-

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tion to fill such vacancies. A majority of the stockholders shall concur in any proposition to dissolve the company before said proposition shall be acted on. The said company are authorized to transfer stock in said company in payment of dues thereof for work done or materials furnished to the company, for the advancement or completion of the object for which this charter is granted.

SEC. 12. All the rights, powers and privileges granted in this act shall continue in force for twenty-five years from and after the passage thereof. The channels, canals and other works enumerated in this act shall be commenced within two years from the first day of July, A. D. 1871, and be completed within four years thereafter. There shall be nothing construed in this act, so as to grant banking privileges.

SEC. 13. This act shall be in force and take effect from and after its passage, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved December 1, 1871.

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## CHAPTER CVIII.

AN ACT TO INCORPORATE THE MARSHALL SALAMANDER FIRE COMPANY NUMBER ONE, OF THE CITY OF MARSHALL, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. H. Van Hook, W. W. Hartsill, J. F. Naendell, J. F. Starr, Charles Henrick, J. B. Hubbard, G. W. Coit, and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name and style of the Salamander Fire Company No. 1, of the city of Marshall, with power to sue and be sued, plead and be impleaded; to appear and prosecute to final judgment in any court of this State; to have a common seal, with such device as they may adopt; to elect, in whatever manner they may choose, the officers necessary to command them; to establish by-laws for their government and regulation of their affairs, not inconsistent with the Constitution and laws of this State, and the same to alter and amend at pleasure; and to hold real and personal property, and to dispose of the same; *provided*, that such real estate and personal property shall not at any time exceed twenty thousand dollars in value, and that said company shall ever exceed sixty men, rank and file.

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SEC. 2. That the active members of said company shall be exempt from jury service, except in felony cases, and from militia duty, except in times of insurrection, rebellion or war.

SEC. 3. That said company shall have power by their constitution and by-laws, to try all violations of their ordinances agreed upon by a majority of the members of said company; to expel, or fine, not exceeding ten dollars, those members violating the constitution and by-laws of said company.

SEC. 4. That this act take effect from and after its passage, and remain in force for the term of twenty-five years.

Approved December 1, 1871.

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## CHAPTER CIX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE ISLAND CITY REAL ESTATE AND HOMESTEAD ASSOCIATION, OF GALVESTON.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Island City Real Estate and Homestead Association is hereby created a Savings Bank and Trust Company, and, in addition to the powers granted by the act of incorporation, approved June 24, 1870, may have, enjoy and exercise all the powers necessary to carry out and execute all the purposes of a savings bank and trust company.

SEC. 2. The business and object of this corporation, under this amendment, shall be to receive, on deposit or in trust, such sum or sums of money as may, from time to time, be offered therefor by tradesmen, merchants, clerks, laborers, servants and others, to be repaid to such depositors, when required, at such times, with such interest, and under such regulations as the board of directors may from time to prescribe, which regulations shall be posted up in some conspicuous place in the business room of said corporation.

SEC. 3. This corporation may loan money according to the Constitution and laws of the State, upon such security, either real or personal, as the directors may deem sufficient. It may borrow money, buy and sell exchange, bullion, notes, stocks and other securities.

SEC. 4. The stockholders and depositors may, at any time, investigate the condition of the Association. And at the request of

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any three stockholders or depositors, in writing, the President shall appoint a committee of two stockholders and three depositors, whose duty it shall be to examine the assets and condition of said corporation, and publish their report upon said examination for the information of all concerned.

SEC. 5. The said corporation may issue certificates of deposit in such form as may be agreed upon by the board of directors. Such certificates are to be issued only at the request of a depositor, and shall be redeemed on presentation at the office of said corporation.

SEC. 6. When any deposit is made to said corporation by a minor, or by a female, being or hereafter becoming a married woman, the said corporation may pay such depositors any sums of money due to them, and their receipt or acquittance shall be a legal discharge to said corporation therefor.

SEC. 7. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice, and shall take effect on and after its passage.

Approved December 1, 1871.

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## CHAPTER CX.

### AN ACT TO INCORPORATE THE LIBRARY BUILDING ASSOCIATION OF GALVESTON.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the subscribers of the moneys heretofore paid in under the auspices of the Galveston Chamber of Commerce, in pursuance of an undertaking known as the Founders' Library Fund of the Galveston Mercantile Library, to-wit: F. A. Anderson, J. L. Anderson, E. L. Anderson, D. D. Atchinson, E. T. Austin, W. P. Ballinger, W. T. Beers, C. S. Beissner, jr., J. Bernstein, L. Block, L. Blum, Geo. Bondies, C. E. Broussard, I. M. Brown, J. Buckley, H. Burns, Chs. Fowler, H. Frauenfeld, J. Fredrich, R. L. Flulton, R. F. George, T. Goggan, I. C. Gorham, L. Hill, A. M. Hobby, J. F. Huffinaster, W. F. Brittingham, Geo. Butler, F. N. Camp, I. H. F. Champman, R. Clark, J. P. Cole, A. C. Crawford, P. Dargan, J. Davidson, J. P. Davis, B. R. Davis, S. B. Davis, H. Duble, C. N. Eley, G. W. Emboy, I. Fock, J. Gottschalk, G. W. Grover, F. Half, J. W. Harris, J. P. Harrison, S. Heidenheimer, P. Hennessy, J. Sorley, J. Stancel, O. Steele, C. R.

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Hughes, R. J. Hughes, C. W. Hanley, T. H. Hutchings, T. M. Jack, G. B. Jewell, J. W. Jockusch, C. H. Jordan, T. M. Joseph, J. Kauffman, M. Kopperl, J. Reymerschoffer, J. S. Rhea, J. W. Rice, Chs. E. Richards, S. Rinker, J. D. Rogers, P. H. Rose, H. Rosenberg, J. B. Root, J. G. Rost, L. Schnierder, G. Sealy, J. S. Sellers, W. H. Sellers, D. C. Stone, H. J. Labbatt, J. W. Lang, N. O. Lanoe, T. J. League, C. B. Lee, R. Levy, F. R. Lubbock, A. P. Lufkin, T. D. Lufkin, A. T. Lynn, S. Maas, C. M. Mason, J. M. McDonald, A. C. McKeen, T. H. McMahan, J. H. Metcalf, W. L. Moody, C. H. Moore, A. Muckle, P. Neil, G. B. Nichols, N. Ortleib, V. B. Poole, E. Randall, J. M. Seymour, W. A. Shelton, I. C. Smith, H. Reyband, J. S. Trasher, J. S. Vedder, H. Range, T. Ratto, G. Ranger, E. Van Harten, C. Wynne, E. L. Wood, F. K. Sturgis, M. Strickland, W. Terry, R. M. Trevis, A. B. Tronell, T. Vogel, jr., Thos. Wagner, I. C. Wallis, W. Walker, R. S. Willis, J. Holstone, I. B. Woodyard, N. B. Yard, and those whom they may hereafter associate with them, be and they are hereby incorporated under the name and style of the Galveston Library Building Association, and they and their successors are constituted a body public and corporate, with power to purchase, hold, improve, sell and convey any estate, real, personal or mixed; to make contracts; to sue and be sued; to loan money, and otherwise invest their funds in such safe and judicious manner as the trustees hereinafter provided for, may determine; to borrow money upon pledges of their real estate; to make rules, regulations, by-laws and ordinances for the management, direction and control of said corporation, and to have, employ and exercise all the rights, power and privileges pertaining to corporate bodies, necessary for the object and purpose of this act, and not in contravention of the Constitution and laws of the State of Texas.

SEC. 2. The object of the Library Building Association is to provide a permanent, secure and spacious building for the deposit and safe keeping of the books, records, educational apparatus, art collections and other acquisitions of the library departments of the Galveston Chamber of Commerce.

SEC. 3. The officers of the association shall consist of seven trustees, of whom the President of the Galveston Chamber of Commerce shall be *ex officio* one, and six shall be annually elected from among the shareholders. The board of trustees shall have power to fill vacancies in their board during the term for which they were elected, and shall elect a president from among their own number, and such other officers as may hereafter be provided for in the by-laws, regulations and ordinances of the association.

SEC. 4. The capital stock of the association shall be fifty thou-

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sand dollars, divided in shares of one hundred dollars each, and may be increased to one hundred thousand dollars by a vote of two-thirds of all the shareholders.

SEC. 5. The payment of two dollars a month made to the completion of the term of one year, on each subscription to the fund known as the Founders' Library Fund, shall be considered and passed respectively as assessments paid on one share of the capital stock of the Galveston Library Building Association; *provided*, that such benefit shall be claimed within six months after the approval of this act, and the claimant shall accept the same, and agree to pay such further assessments thereon as may hereafter be lawfully made.

SEC. 6. Each shareholder shall have one vote for each share owned, and may vote in person or by written proxy.

SEC. 7. The board of trustees shall have power to make all the by-laws, rules and regulations necessary for the management of the association, for laying the assessment upon the subscriptions to the capital stock, for obtaining new subscriptions of stock, and for prescribing the terms and manners of forfeiture and sale of shares for the non-payment of assessments, and such by-laws, rules and regulations, when adopted by a majority of the shareholders present at any regularly called meeting of the shareholders, shall be binding on all the members of the association.

SEC. 8. It shall be the duty of the President of the Galveston Chamber of Commerce to call a meeting of the subscribers to the Founders' Library Fund as soon as practicable after the passage and approval of this act, for the purpose of organizing under this act, and any member of said subscribers, not less than ten, assembling pursuant to such call, are hereby authorized to organize the Galveston Library Building Association by the election of a board of trustees to serve for one year, and until their successors be duly elected and installed; and to pass such ordinances as they may deem expedient for the good of the association.

SEC. 9. This act shall take effect from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXI.

### AN ACT TO INCORPORATE THE HOUSTON TURN VEREIN.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That G. Loeffler, F. W. Heitman, I. Veigth, L. Harde, L. Kossee, R. H. Cabanis, J. D. Usner, G. A. Meyer, E. A. Leon-

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hardt, P. R. Westen, F. A. Michel, their associates and successors, be and they are hereby constituted a body corporate and politic, for the promotion of morals, benevolence, the encouragement of gymnastic, musical and dramatic science, under the name and style of Houston Turn Verein, and by that name may buy, hold, enjoy, sell, convey and alienate property, real, personal and mixed; be capable of suing and being sued, of defending and being defended in any of the courts of this State; *provided*, that the amount of property held by said association shall at no time exceed fifty thousand ($50,000) dollars; *provided, further*, that the said corporation shall not be liable to pay any occupation tax, either State, county or municipal.

SEC. 2. That said association shall have power to enact rules and regulations for its government, not inconsistent with the laws of this State and the United States of America, and to alter the same; and shall have a seal of authentication of its acts.

SEC. 3. That this act take effect from and after its passage, and remain in force for thirty years.

Approved December 1, 1871.

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## CHAPTER CXII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND AN ACT INCORPORATING THE CITY OF JEFFERSON, IN MARION COUNTY, APPROVED SEPTEMBER 11, 1866, APPROVED AUGUST 8, 1870.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, The municipal election in said city shall be held on the first Monday in May, 1872, and biennially thereafter, at which time there shall be elected by the qualified voters of said city, all officers to be elected at the general municipal election. Six days previous, public notice of said election shall be given by the recorder, by publication in one or more newspapers published in said city; and no special election shall be hereafter held in said city for the election of city officers, except as in this act provided.

SEC. 2. The municipal officers to be chosen at the biennial election, shall enter upon the duties of their respective offices on the second Monday of May, succeeding their election.

SEC. 3. The mayor and aldermen shall be elected by the people,

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and shall hold their respective offices for the term of two years, and until their successors shall be elected and qualified. The person having the highest number of votes cast in the whole city for either of such offices, shall be declared elected.

SEC. 4. Whenever there shall fail to be an election of any officer voted for by the people, in consequence of two or more candidates receiving the highest, and an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the board of aldermen, and the result shall be entered upon their proceedings.

SEC. 5. The judges of election shall be appointed biennially by the mayor, at least ten days before the biennial municipal election.

SEC. 6. All city employés shall be appointed annually by the mayor, and shall be removable at the pleasure of the mayor or board of aldermen.

SEC. 7. All officers mentioned in this act, and not elected at the municipal election, shall be appointed by the mayor, by and with the advice and consent of the board of aldermen, biennially, on or before the second Monday of May, or as soon thereafter as may be, and shall, respectively, continue in office two years from the said second Monday of May, and until the appointment and qualification of their successors; officers elected or appointed to fill vacancies, shall, respectively, hold for the unexpired term only, and until the election or appointment and qualification of their successors.

SEC. 8. Every person appointed to any office by the mayor, with the advice and consent of the board of aldermen, and every person elected to any office by the people, for whose removal from office no other provision has been specially provided by this act, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected. But no officer shall be removed except for cause, nor unless furnished with the charges and heard in his defense, and the common council shall have power to compel the attendance of witnesses, and the production of papers when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case, and if such officer neglect to appear and answer to such charges, then the board of aldermen may declare the office vacant; and any officer may be suspended until the disposition of charges, when preferred.

SEC. 9. When any vacancy shall happen by death, resignation, removal or otherwise in the office of mayor, such vacancy shall be filled by a new election, and the board of aldermen shall order a new election within ten days after the happening of such vacancy; *provided*, more than six months of the term shall then remain un-

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expired. Any vacancy occasioned by the death, removal, resignation or refusal to serve, appointed by the mayor, with the advice and consent of the board of aldermen, may be filled by appointment by the mayor, with the advice and consent of the board of aldermen.

SEC. 10. All city officers who are required by the provisions of this act, or by any legal ordinance passed by the board of aldermen, to give bonds for the faithful performance of their official duty, shall file their bonds with the city clerk, within fifteen days after their election or appointment, and he shall record the same, when approved, in a book kept for that purpose. When bonds are not filed with the city clerk, within fifteen days after the votes shall have been officially canvassed, or after the appointment shall have been made, the person so in default shall be deemed to have refused said office, and the same shall be filled by appointment as in other cases. If in any cases any official bond so filed shall not be approved, the officer filing the same shall furnish a new and satisfactory bond within fifteen days after such disapproval, and in case of failing so to do, he shall be deemed to have refused such office, and the same shall be filled as above provided. No alderman or other city officer shall be taken as security upon any bond, note or other obligation made to the city. No city officer, required to give bond as aforesaid, shall enter upon the discharge of the duties of his office until such bond shall have been filed and approved, as by this act provided.

SEC. 11. The manner of voting and conducting at elections to be held under this act, and contesting the same; the keeping of the poll list, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now, or may hereafter be provided by law, at general State elections; *provided*, the board of aldermen shall have power to regulate elections. The voting shall be by ballot, and the judges of election shall take the same oath, and shall have the same power and authority as judges of general elections. The polls shall be opened by the judges at 8 o'clock in the morning, and kept open until 7 o'clock in the evening, and every violation of this provision shall subject the inspectors so offending to a penalty of one hundred dollars. After the closing of the polls, the ballots shall be counted in the manner required by law, and the returns shall be returned, sealed, to the city clerk, within three days after the election, and thereupon the board of Aldermen shall meet and canvass the same, and declare the result of the election. It shall be the duty of the clerk to notify all persons elected or appointed to office of their election or appointment, and unless such person shall respectfully qualify within fifteen days thereafter, the offices shall become vacant.

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SEC. 12. The corporate limits of said city shall be one mile in every direction from the intersection of Broadway and Line streets, in said city.

*Powers and Duties of Officers.*

SECTION 1. Every person chosen or appointed to an executive, judicial, or administrative office under this act shall, before he enters on the duties of his office, take and subscribe the oath of office prescribed in the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

SEC. 2. The mayor shall preside over the meetings of the board of aldermen, and take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the board of aldermen such information and recommend such measures as he may deem advantageous to the city. He shall have a salary, twenty-five hundred dollars, per annum in full compensation of all official services devolved upon him by this or any subsequent act.

SEC. 3. Every act, ordinance or resolution passed by the board of aldermen, before it shall take effect, and within five days after its passage, shall be presented, duly certified by the city clerk, to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, in writing, to the city clerk; and the clerk shall submit said objections to the board of aldermen at their next regular meeting, who shall enter said objections upon their records, and proceed to reconsider the matter; and if, after such reconsideration, two-thirds of all the members elected shall agree to pass the same, it shall take effect as an act or law of the corporation. If the mayor shall not return any act, ordinance or resolution so presented to him within five days, it shall take effect in the same manner as if he had signed it.

SEC. 4. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of absence or sickness, the board of aldermen shall appoint by ballot one of their number to preside over their meetings, whose official designation shall be acting mayor; and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy be filled by a new election.

SEC. 5. The members of the board of aldermen shall be fire wardens and conservators of the peace, and shall be exempted from jury duty during their term of office.

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SEC. 6. The clerk shall keep the corporate seal, and make a record of the proceedings of the board of aldermen, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of aldermen, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall also have power to administer any oath authorized to be taken by the laws of the State.

SEC. 7. The city physician shall attend and administer to all sick persons confined in any police station house or other city prison, and shall attend to such other duties as may be prescribed by the board of health or board of aldermen.

SEC. 8. The board of aldermen shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require bonds to be given to the City of Jefferson by all officers, for the faithful performance of their duties.

SEC. 9. The recorder, treasurer and collector shall severally, before they enter on the duties of their respective offices, execute a bond to the City of Jefferson in such sum and with such securities as the board of aldermen shall approve, that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them, which bonds, with the approval of the board of aldermen certified thereon by the clerk, shall be filed with the clerk.

SEC. 10. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession belonging to said city or appertaining to the office he held, he shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor shall and may recover possession of the books, papers and property appertaining to his office in the manner prescribed by the laws of the State.

SEC. 11. All persons elected or appointed to any office under this act, may be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the board of aldermen and clerk. The municipal government of the city shall consist of a board of aldermen, composed of the mayor and three aldermen from each ward. The other officers of the corporation shall be as follows, viz.: A city clerk, a city engineer, a superintendent of streets, an assessor of taxes who shall be *ex officio* treasurer, a recorder who

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shall be *ex officio* collector of taxes, a city attorney, a city physician, one chief and one first and one second assistant engineers of the fire department, a board of public works, a police justice, one chief of police, lieutenant of police, a sergeant of police, and as many policemen, measurers, inspectors, weighers, gaugers, keepers of bridewell and such other officers and agents as may be required or the board of aldermen may from time to time direct.

*Powers and Duties of Board of Aldermen.*

The mayor and board of aldermen shall have, subject to the provisions hereinafter contained, the general management and control of the finances, and all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance:

First—To remove, and prevent all obstructions in the waters which are public highways in said city, and to widen, straighten and deepen the same.

Second—To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Third—To regulate the selling or giving away of any ardent spirits, by any shop keeper, trader, or grocer, to be drank in any shop, store or grocery, out house, yard, garden, or other place within the city.

Fourth—To forbid the selling or giving away of ardent spirits, or other intoxicating liquors, to any minor.

Fifth—To license, regulate, and restrain tavern keepers, grocers, and keepers of ordinaries, or victualing, or other houses or places for selling, or giving away wines, and other liquors, whether ardent, vinous or fermented.

Sixth—To license, tax, regulate, suppress, and prohibit billiard tables, pin alleys, nine or ten pin alleys, and ball alleys.

Seventh—To license, regulate, and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, and all others, whether in the permanent employment of any individual, firm or corporation, or otherwise, who may pursue like occupation with or without vehicles, and prescribe them compensation.

Eighth—To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers or proprietors of junk shops, and places for the sale or purchase of second hand goods, wares or merchandises.

Ninth—To license, tax, regulate and suppress hawkers and peddlers.

Tenth—To regulate, license, suppress and prohibit all exhibitions

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of common showmen, shows of every kind, concerts, or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Eleventh—To authorize the mayor or other proper officers of the city to grant and issue licenses, and direct the manner of assessing and registering thereof, and the fees to be paid therefor.

Twelfth—To prevent any riot or noise, disturbance or disorderly assemblage.

Thirteenth—To suppress and restrain disorderly houses and groceries, and houses of ill fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

Fourteenth—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

Fifteenth—To direct the location and management of, and regulate and license breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate and prohibit within the city distilleries, slaughtering establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Sixteenth—To establish and regulate markets and other public buildings, and provide for their erection, and determine their location

Seventeenth—To regulate and license or prohibit butchers, and to revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meats, and vegetables in the city, and restrain and punish the forestalling of poultry, fruit and eggs.

Eighteenth—To direct and prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city.

Nineteenth—To regulate the keeping and conveying of gunpowder and other combustibles and dangerous materials, and the use of candles and lights in barns, stables and out houses.

Twentieth—To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid to be stopped by any person; and punish or pro-

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hibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the street.

Twenty-first—To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wheelbarrows, boxes, lumber, timber, pine wood, awnings, signs, or any substance or material whatever.

Twenty-second—To regulate and determine the time and places of bathing and swimming in the bayou, and to prevent any obscene or indecent exhibition, exposure or conduct.

Twenty-third—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Twenty-fourth—To restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Twenty-fifth—To prevent and regulate the running at large of dogs; to tax, and to authorize the destruction of the same when at large, contrary to the ordinance.

Twenty-sixth—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Twenty-seventh—To make regulations to prevent the introduction or spread of contagious diseases into the city; to make quarantine laws and enforce the same within the city, and not to exceed fifteen miles beyond the city bounds.

Twenty-eighth—To control and regulate the streets and alleys, and to remove and abate any obstructions and encroachments therein.

Twenty-ninth—To compel all persons to keep the snow, ice and dirt from the sidewalks, in front of the premises owned or occupied by them.

Thirtieth—To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices, tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusements or otherwise.

Thirty-first—To abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and



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remove nuisances in the street or any other parts of said city, or within its jurisdiction, by indictment or otherwise.

Thirty-second—To license, regulate and restrain runners for boats and stages, cars and public houses.

Thirty-third—To regulate the burial of the dead, and registration of births and deaths; to direct the retaining and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Thirty-fourth—To regulate and prohibit the keeping of any lumber yard, and the placing, piling and selling lumber, timber, and other combustible material within the fire limits of said city.

Thirty-fifth—To regulate the inspecting of flour, meal, pork, beef, and other provisions and salt to be sold in barrels, hogsheads and other packages.

Thirty-sixth—To regulate the inspection of whisky and other liquors to be sold in barrels, hogsheads and other vessels.

Thirty-seventh—To appoint inspectors, weighers, gaugers, and regulate their duties, prescribe their fees.

Thirty-eighth—To regulate the sale of bread within said city, and prescribe the weight of bread in the loaf and the quality of the same.

Thirty-ninth—To regulate public pumps, wells and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.

Fortieth—To regulate and establish public grounds.

Forty-first—To erect lamps and regulate the lighting thereof.

Forty-second—To regulate and license ferries.

Forty-third—To regulate and prohibit the use of locomotive engines within the city, and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and to require railroad companies to construct at their own expense such bridges, tunnels or other conveniences at public railroad crossings as the council may deem necessary; also, to regulate the running of horse railway cars, the laying down of railroad tracks for the same, the transportation of passengers thereon and the kind of rail to be used.

Forty-fourth—To erect and establish either without and without the corporate limits of the city a bridewell or house of correction, and purchase ground therefor, pass all necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the said bridewell or house of correction shall be confined all vagrants, stragglers, idle or disorderly persons who may be committed thereto by any criminal court or magistrate in and for the city for any assault and battery, petty theft or other misdemean-

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or punishable by imprisonment in any county jail; and all persons confined therein may be kept at labor or in solitary confinement.

Forty-fifth—To require any merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and be subject to his inspection, the standard of which weights and measures shall be conformable to those now established by law.

Forty-sixth—Exclusively to erect and construct, or permit, or cause or procure to be erected and constructed float, pivot or draw, or other bridges over the navigable waters within the jurisdiction of said city, and keep the same in repair. Said bridges to have drawers of suitable with.

Forty-seventh—To control, regulate, repair, amend and clear the streets and alleys, bridges, sidewalks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof, and prevent the encumbering of the streets in any manner, and protect the same from any encroachments and injury.

Forty-eighth—To direct and regulate the planting and preserving ornamental trees on the streets and public grounds.

Forty-ninth—To fill up, drain and clean, change, alter, relay, repair and regulate any grounds, yards, lawns, slips, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses to be collected in the manner hereinafter provided.

Fiftieth—To erect and establish one or more pest houses, hospitals or dispensaries, and control and regulate the same.

Fifty-first—To abate all nuisances which are or may be injurious to public health, in any manner they may deem expedient.

Fifty-second—To do all acts, and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Fifty-third—To prevent any person from bringing, disposeing, or having within the limits of said city, any dead carcasses, or any other unwholesome substance, and require the removal or destruction, by any person who shall have placed, or caused to be placed, upon or near his premises any such substance, or any putrid or unsound beef, pork or hides, fish or skins of any kind; and on his default to authorize the removal or destruction thereof by some officer of the city.

Fifty-fourth—To authorize the arrest, fine and imprisonment in the city bridewell, or house of correction, as vagrants, of all persons who, not having visible means to maintain themselves on without employment.

SEC. 55. The board of aldermen are hereby authorized to pur-

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chase for said city such tracts of land within or without the city limits, for the purpose of establishing cemeteries for the interment of the dead therein, as they may think necessary, which shall be exempt from taxation under any law of this State; and they are also authorized and empowered to pass and enforce such ordinances, rules and regulations with regard to the improvement, preservation, laying out and ornamenting the same, and the sale of burial places or lots for the interment of the dead therein, as they may deem proper. The ground or grounds so laid out shall be placed under the superintendence of the board of public works of said city, and the lots which may be laid out and sold shall, with the appurtenances, forever be exempt from execution and attachment. As soon as said grounds are regulated and laid out, a map or plot thereof shall be made out by the board of public works, and a copy thereof placed in the city clerk's office, who shall have sale and disposition of all the lots therein, under the ordinances and regulations of the board of aldermen. The proceeds of such sales shall be paid into the city treasury. The said board of aldermen is also fully empowered and authorized to provide for the punishment by ordinance of all persons who shall, without said city limits, be guilty of any violation of the regulations, rules and ordinances established by said city in relation to such cemeteries; and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within said city; and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits by any officer or constable thereof, the same as if such offense had been committed within the boundaries of the corporation.

### *The Board of Public Works.*

SECTION 1. There is hereby established an executive department of the municipal government of said city, to be known as the Board of Public Works, to consist of the mayor, who shall be a member of the board *ex officio*, and three commissioners, to be chosen by the board of aldermen.

SEC. 2. Said board shall appoint a secretary, and some competent and scientific person as civil engineer to said board, who shall be styled the city engineer. The officers so appointed shall be removable at any time at the pleasure of the board of public works.

SEC. 3. It shall be the duty of the city engineer to perform all the civil engineering required by the board of public works in the prosecution of all public improvements committed to their charge,

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and to do such other surveying as may be directed by the board of aldermen. He shall receive for his services such annual salary as the board of aldermen may direct. He shall possess the same powers in making surveys and plots within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plots and surveys made by such engineer as are or may be given by law to the acts, plots and surveys of county surveyors.

SEC. 4. In all cases when lands in said city are hereafter subdivided and laid out into blocks or lots, sub-lots, streets and alleys, or new streets or public grounds, and donated or granted to the public by any proprietor, in order to secure a uniform plan in the laying out of such streets and alleys, the map or plot thereof shall be submitted to the board of public works for their approval. If they approve the same, they shall certify upon it their approval, and no such map or plot shall be entitled to record or have any validity until so approved by said board and confirmed by the board of aldermen.

SEC. 5. A majority of said board shall constitute a quorum to do business. They shall keep a record of all their acts and doings, and shall keep and preserve copies of all contracts, estimates, receipts, plans, profiles and the papers of the board, and shall report their acts and doings in detail to the board of aldermen on or before the 10th day of April in each year, and oftener when required so to do by the board of aldermen. Each of said commissioners shall have power to administer any oath authorized to be taken by the laws of this State.

SEC. 6. The said board shall have the exclusive privilege to grant permits according to the ordinances of the city for the moving of houses through the streets of the city and the raising of buildings and sidewalks, and to regulate the building or placing of vaults under the streets, alleys and sidewalks, and require such compensation for the privilege as they shall deem reasonable and just, subject to the approval of the board of aldermen; also, to regulate all open spaces for basement stores and the use of the public streets in any legal and proper manner, except for railroad tracks; and no building material or obstruction of any kind shall be placed in the public streets, alleys or on the public grounds without the written permit of said board. Said board shall have full power to regulate and control the manner of using the streets, alleys, highways and public places of the city for the laying down of gas and water pipes and sewers and determine the location thereof, and to cause the prompt repair of the streets, alleys, highways and public places whenever the same may be taken up or allowed, and they are hereby authorized

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and empowered to charge and collect by suit or otherwise in the name of the City of Jefferson the expense of such repairs, and from the person or persons by whom such street, alley, highway or public ground may have been taken up or altered.

SEC. 7. The said board shall have the exclusive privilege of granting permits for the erection of wooden buildings within the fire limits of said city, subject to such general regulations as the board of aldermen may by ordinance prescribe, and for all permits of every kind which said board is authorized to grant, it may make such reasonable charge as it may deem proper, or as the board of aldermen may by ordinance direct.

SEC. 8. Whenever any public improvement shall be ordered by the board of aldermen of said city, and the assessment for the same (when the same is to be paid for by special assessment) shall have been confirmed, and one half of such special assessment shall have been paid into the city treasury, the said board of public works shall advertise for proposals for doing said work. A plan or profile of said works to be done, accompanied with specifications for the doing of the same being first placed on file in the office of said board; which said plan, profile and specifications shall at all times be open for public inspection, which advertisement shall be continued for at least ten days in the corporation newspaper, and shall state the work to be done. The bids for the doing of such work shall be sealed bids directed to said board, and shall be accompanied with a bond to the city in the sum of two hundred dollars signed by the bidder and two responsible sureties, conditioned, that he shall execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute a contract and perform the work, said bond may be sued and judgment recovered thereon by the city for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened at the hour and place mentioned in said notice.

SEC. 9. All contracts shall be awarded by said board to the lowest reliable and responsible bidder or bidders who shall have complied with the above requisition, and who will sufficiently guarantee, to the satisfaction of said board, the performance of said work, under the superintendence and to the satisfaction of said board; *provided*, that the contract price does not exceed the estimate, or such other sum as shall be satisfactory to said board, copies of which contracts shall be filed in the office of the mayor of said city.

SEC. 10. The board of public works shall reserve the right, in their said contract to finally decide all questions arising as to the proper performance of said work, and in case of improper construction, to sus-

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pend said work at any time, and re-let the same or to order the entire reconstruction of said work, if improperly done; or re-let the same to some more capable and faithful contractor or contractors with power hereby given to said board to adjust the difference of damages or price (if any there be) which the contractor or contractors, failing to properly construct said work, in such cases of default should, in their opinion, pay to the city according to the just and reasonable interpretation of said contract, which difference, in balance, shall be recoverable at law, in the name of said city, before any court having competent jurisdiction thereof, against such contractor or contractors. In all cases, when the contractor or contractors shall proceed to properly perform and complete their said contracts, said board may, in their discretion from time to time, as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen per centum therefrom, which shall entitle the holder or holders to receive the amount that may be due thereon, when the money applicable to the payment of such work shall have been collected, and the conditions annexed to such estimate, if any, shall have been satisfied. Any person taking any contracts with the city, and who agree to be paid from special assessments, shall have no claim or lien upon the city, in any event, except from the collections of the special assessment made for the work contracted for, and no work, to be paid for by a special assessment, shall be let, except to a contractor or contractors who will so agree.

SEC. 11. In case the prosecution of any public work should be suspended in consequence of the default of any contractor, or in case the bids for doing any such work should be deemed excessive, or the persons making proposals not responsible or proper persons to be entrusted with its performance, the board of public works may, with the written approval of the mayor, when the urgency of the case and the interests of the city require, employ workmen to perform or complete any improvement ordered by the board of aldermen; *provided*, that the cost and expenses thereof shall in no case exceed the amount assessed or sum appropriated for completing the same.

SEC. 12. All supplies of materials or necessaries of any kind, not exceeding in amount the sum of five hundred dollars, shall be purchased by said board of public works, when practicable, by contract with the lowest responsible bidder, as is provided for the making of contracts for the doing of work.

SEC. 13. All contracts entered into by said board of public works, and all bonds taken by them, shall be entered into in the name of the city of Jefferson.

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SEC. 14. No member of the board of public works, nor officer, nor clerk in their employ, shall be interested, directly or indirectly, in any contract made and entered into by said board of public works, for any work or for any materials to be furnished therefor; and all contracts made with said board, in which any member or officer of said board shall be so interested, shall, at the option of the city, be declared utterly void, and of no binding effect whatever; and any member or officer of said board interested in any contract, shall thereby forfeit his office and be removed therefrom on proof of such delinquency, and it is hereby made the duty of each member of said board of public works, and of the mayor, and of every officer of said city, to report to the board of aldermen any such delinquency when discovered.

SEC. 15. The board of public works shall have the exclusive charge and superintendence of the sewerage and water works of said city, and shall receive and collect all water rents, water taxes or assessments, and sewerage permits and licenses, and they shall report to the city treasurer all such moneys so received by them and in each week, and at the same time pay over to said city treasurer all such moneys, with a statement of the same to which account the same belong, and shall receive his receipt for all moneys so paid over.

SEC. 16. The board of public works shall, on or before the first day of May in each year, submit a statement to the recorder, to be by him laid before the board of aldermen with his annual estimate of the repairs and improvements, to be paid out of the general fund of the city and necessary to be undertaken by said city during the current year, and of the sums by said board of public works required to make such repairs and improvements, as near as the same can be estimated, which report shall be in detail, and such estimate having been revised by the board of aldermen, the aggregate amount of the sums required after such revision shall be provided for in the general tax levy to be laid in said city.

SEC. 17. The commission of the board of public works shall be sworn the same as other officers to the faithful discharge of the duties of their office, and no person hereafter elected shall act as a commissioner of said board until, in addition to the oath required of all city officers, he shall swear that he is then, and for the year immediately preceding has been, a resident freeholder in the division of the city from which he was elected; which oath shall be filed in the clerk's office.

SEC. 18. No member or officer of said board or other officer of said city, and no member of the board of aldermen, shall either directly or indirectly receive any interest or profit whatever on ac-

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count of the deposit of any of the funds belonging to the city, nor shall any member or officer of said board or officer of said city, or any member of the board of aldermen, either directly or indirectly, make use of or borrow any of said funds for his own private benefit or advantage.

SEC. 19. It shall be the duty of the said board to keep books of accounts, showing with entire accuracy the receipts and expenditures of the board, in such manner as to enable the same to be readily understood and investigated, and also to preserve on file in their office duplicate vouchers for all their expenditures, which books and duplicates shall at all times be open to the examination of the mayor of said city or to the finance committee of the board of aldermen of said city, or to any other committee appointed by the board of aldermen.

*Public Improvements.*

The city council shall have power from time to time:

First—To lay out public streets, alleys, lanes and highways, and to make wharves and slips at the end of streets, and extend, alter, remove, contract, straighten and discontinue the same, and to purchase and lay out public parks, squares and grounds.

Second—To cause any street, alley, lane or highway to be filled, graded, leveled, paved, curbed, walled, graveled, macadamized or planked, and keep the same in repair.

Third—To widen, deepen or dredge out the Cypress Bayou or any part or parts of the same.

Fourth—To cause cross and sidewalks, area walls, lamp posts and private drains to be constructed and laid, relaid, erected, cleansed and repaired.

Fifth—To fill, grade, improve, protect and ornament any public square now or hereafter laid out.

SEC. 2. Whenever any order is passed by the board of aldermen, by virtue hereof, for the filling, grading, leveling, paving, curbing, walling, graveling, macadamizing, planking or repaving of any street, lane, alley or highway, the commissioner of the board of public works shall forthwith proceed to assess the amount on the real estate fronting on or abuting on the contemplated improvements, said assessment shall be made in said manner, as nearly as may be, that each separate block, lot, sub-lot, piece or parcel of land on either side of the street, or part of street to be improved shall sustain the costs and expenses of making or completing the improvement upon that half of the street directly adjacent to or in front of the same.

SEC. 8. When, in any case, any portion of the costs and ex-

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penses of making any improvements mentioned in the foregoing section, shall, by virtue of any valid law or ordinance of the corporation, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon said railway company, and the balance only upon the real estate fronting or abuting on such improvements; and the city may collect the amount so assessed upon the said railway company by distress and sale of personal property, as in other cases, or by suit brought for that purpose; *provided*, that any real estate belonging to such railway company, and fronting or abuting upon the said improvement shall be assessed as in other cases.

SEC. 3. Before proceeding to make an assessment for any improvement mentioned on the preceding sections, said commissioners shall be sworn as in other cases, and shall give six days notice, by publication in the corporation newspapers, of the time and place of the meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for and the amount to be assessed. All persons interested in any such assessment shall have the right to be present and be heard either in person or by counsel, and the commissioners may in their discretion receive any legal evidence, and may adjourn if necessary from time to time.

SEC. 4. When the commissioners shall have completed their assessment, they shall sign and return the same in like manner and give like notice of the application to the board of aldermen for confirmation. When confirmed by the board of aldermen, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said commissioners shall proceed to make a new assessment, and shall return the same in like manner and give like notices as herein required in relation to the first.

SEC. 5. All owners or occupants of real estate in front of, adjacent to or upon whose premises the board of aldermen shall order or direct any sidewalk or private drain to be constructed, shall construct such sidewalk or private drain at their own cost and charges, in the manner prescribed by said board of aldermen, and within such reasonable time, not exceeding twenty days, as the board of public works shall direct, of which time notice shall be given to such owner or occupant by personal service or leaving the same at his usual place of business or abode or by three days publication in the corporation newspapers. If the work be not done in the manner and within the time prescribed, the commissioners of the board of public works shall forthwith proceed to assess the amount necessary to be

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assessed therefor, together with all costs, upon the real estate aforesaid, which assessment shall be made and returned, and may be confirmed and collected in the same manner as in the case of filling, grading or paving streets, and when confirmed, shall have the same force and effect like powers, rights and duties being hereby confirmed and imposed upon the

SEC. 6. For any neglect or refusal to comply with any order of the board of aldermen in the preceding section referred to, the said board of aldermen may impose by ordinance such penalties upon the owners or occupants aforesaid, not exceeding twenty dollars for each days neglect as to the board of aldermen shall seem proper.

SEC. 7. Upon the passage of any order in the two preceding sections referred to, the board of public works may, in their discretion, in case the said owners or occupants should fail to comply therewith, cause said improvements to be made and paid out of any money in the treasury, at their disposal, and afterwards cause the expense thereof, together with all costs to be reimbursed by a special assessment to be levied and collected as in other cases, or the same may be recovered by suit from such owners or occupants, as for money paid and laid out for his use, and at his request.

SEC. 8. When in any case it shall be deemed necessary by the board of public works to cause any sidewalks to be raised, lowered, repaired, or cleaned, it shall be lawful for said board to require the owner or occupants of the premises, in front of, adjacent to, or upon which said improvement is to be made, to make the same forthwith, or within such reasonable time as the board of public works may prescribe, either upon written or verbal notice to that effect; and in case of neglect or refusal to comply with such requirements, as well as in all cases where the owner or occupants cannot be found, the board of works may cause the work to be done, and paid for out of any moneys in the treasury at their disposal. Same board shall then report to the board of aldermen the amount of said expenditures, giving a description of the lots or premises liable therefor, and the amount for which each is chargeable. The board of aldermen shall thereupon assess the said expenses by an order, ordinance or resolution upon such lots respectively, and the same may be collected by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises for recovery of such expenses as for money paid and laid out for his use and at his request. The board of aldermen may, also, by ordinance, impose such penalties upon the owner or occupants aforesaid for any neglect or refusal to comply with the aforesaid requirements, not exceeding twenty dollars for each days' neglect, as to the said board of aldermen shall seem proper.

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SEC. 9. Nothing in the preceding sections contained shall be construed to relieve the owners or occupants of real estate from the duty of keeping the sidewalks in front of or adjacent to their premises at all times in a safe condition and in a good and thorough state of repair; but such duty is hereby expressly enjoined and imposed upon all owners and occupants; and if at any time any injury shall be sustained by any individual, or the city shall be subjected to any damages in consequence of any defect in any sidewalk, or its being out of repair, the owner and occupants of the adjacent premises, whose duty it is to make the repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit in any court of general jurisdiction. If the owner be a non-resident, proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of the State.

*Erection of Lamp Posts.*

SEC. 10. Whenever any order is passed by the board of aldermen by virtue hereof, for the erection of lamp posts upon any of the streets in said city, the commissioners of the board of public works shall forthwith proceed to assess the amount directed by the board of aldermen to be assessed therefor upon the several lots, pieces and parcels of land fronting or abutting on the street or part of street along which said posts are to be erected, said assessment shall be made in such manner, as nearly as may be, that each separate lot, piece or parcel of land on either side of said street, for the whole distance proposed to be lighted, shall sustain its fair, proportionate share of the expenses according to the number of lineal feet of each separate lot or parcel on such street, which assessment shall be made and returned, and may be confirmed and collected in the same manner as in the case of jetting, grading or paving streets; and when confirmed shall have the same force and effect, like powers, rights and duties being hereby confined and imposed upon the said commissioners and board of aldermen, and all parties insrtucted in both cases.

*General Provisions.*

SEC. 12. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to bear and pay every charge or assessment made for the expense of any public improvement. When any such charge or assessment shall be made upon or paid by any

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person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest; or he may retain and deduct the same from any rent due or to become due to such person. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of such assessment.

SEC. 13. When any known owner, residing in said city or elsewhere, shall be an infant, and any proceeding had under this act shall render it necessary, the District Court of the county of Marion, the judge thereof, or any judge of any court of general jurisdiction in said city, may, upon the application of the board of public works, or such infant or his next friend, appoint a guardian for such infant, taking security for such guardian for the faithful execution of such trust, and all personal notices and summons required by this act may be served on such guardian.

SEC. 14. No suit of *certiorari* shall be allowed in the case of any special assessment proceedings commenced under the provisions of this act, unless applied for within thirty days after the confirmation of the assessment, and not then at the suit of any party who has neglected to file his objections to such confirmations as hereinbefore provided, unless the party applying for the suit shall satisfy the court by legal and satisfactory evidence, other than his own oath, that he has a sufficient legal excuse for such omission or neglect.

SEC. 15. If in any case the first assessment prove insufficient, the board of public works shall make a second in the same manner, and so on, until sufficient moneys shall have been realized to pay for such public improvements. If at any time too large a sum shall be raised, the excess shall be refunded, rateable, to those whom it was paid.

SEC. 16. If from any cause the city shall fail to collect the whole or any portion of any special assessment which may be hereafter levied, and which shall not be canceled and set aside by the order of any court upon *certiorari* or appeal for any public improvement required to be paid for by special assessment, the board of aldermen may, at any time within five years after the cofirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment, which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases when partial payments shall have been made on such former assessments, they

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shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessments prove ineffectual, either in whole or in part, the board of aldermen may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such re-assessment that the property may have changed hands or been encumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expenses of all public improvements to be paid for by a special assessment a charge upon the property assessed therefor for the full period of five years from the confirmation of the original assessment, and for such longer period as may be required, to collect in due course of law any new assessment ordered by the board of aldermen within that period.

SEC. 17. If in any case the commissioners of the board of public works, or either of them, are especially interested in any special assessment about to be levied, the commissioners or commissioner so interested shall be disqualified from serving in that particular case. Any vacancy occasioned in the manner, or by the absence, inability or refusal to serve of any commissioner, may be filled by appointment by the mayor. The special commissioner so appointed shall be allowed five dollars per day for his actual services, and shall be sworn in the same manner as the other commissioners.

SEC. 18. Should the board of public works report to the board of aldermen at any time in favor of any proposed improvement of the Cypress bayou, and at the same time recommend that the expenses thereof be defrayed by a general tax upon all the taxable property in the city, it shall be lawful for the said board of aldermen to levy such a tax; and in such cases the amount required to be raised shall be assessed upon the whole taxable real and personal property in the city, and be included in the general tax levy of the succeeding year, under the head of "permanent improvement tax."

SEC. 19. The members of the board of public works shall be allowed five dollars per day each for their services when actually employed.

## *Of Taxation.*

SECTION 1. The board of aldermen shall have the power within the city, by ordinance:

First—To annually levy and collect taxes, not exceeding five mills on the dollar on the assessed value of all real and personal estate in the city made taxable by the laws of this State, to defray the con-

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tingent and other expenses of the city, not herein otherwise specially provided for, which taxes shall constitute the general fund.

Second—To annually levy and collect a tax, not exceeding three mills on the dollar, on all taxable real and personal estate for the police expenses of the said city.

Third—To annually levy and collect a tax, not exceeding one and one-third mills on the dollar, on all taxable real and personal estate, to defray the expenses of lighting the streets of said city.

Fourth—To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, to meet the interest accruing on the general bonded debt of said city.

Fifth—To annually levy and collect a tax of sufficient amount on all taxable real and personal estate, when required, to pay any debt that may have been contracted for money borrowed during the preceding year, to provide for the expenses incurred in making any public improvement caused by any casualty or accident happening after the making of the annual appropriation for such year, or to pay any judgment that may have been recovered against the city and paid during such previous year.

Sixth—The board of aldermen shall also annually levy and collect a tax of five and one-third mills on the dollar on all real and personal estate in said city, made taxable by the laws of this State, to provide a sinking fund for the liquidation of the general bonded debt of said city, which amount shall be invested in the purchase of bonds of said city, if they can be purchased on satisfactory terms. All city bonds so purchased shall be retired and canceled.

Seventh—To annually levy and collect a tax not exceeding two mills on the dollar, on all taxable real and personal property, to defray expenses of fire department of said city.

Eighth—To annually levy and collect a tax not exceeding three and one-third mills on the dollar, on all taxable real and personal property, to meet the expenses of repairing and cleaning streets of said city.

*Authority to Transfer Funds.*

In case of a deficiency in any fund to meet any demand upon it, the treasurer may, with the sanction of the mayor and finance committee, use, to meet such demand, any moneys standing to the credit of any other fund, either general or special.

SEC. 2. The board of aldermen shall by an ordinance or resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied,

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(not exceeding the authorized per centage,) particularly specifying the purpose for which the same are levied.

SEC. 3. It shall be the duty of the assessor to estimate the several taxes levied by the board of aldermen, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax lists, opposite to the person or property chargeable therewith. When completed the recorder shall attach to each of said lists a warrant under the corporate seal, to be signed by the mayor, directed to the collector, commanding him, to make, levy, and collect, as the taxes for such year, the several sums of money set opposite to the real and personal estate or persons in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate; which warrants shall also designate the names and rates of the several taxes included therein.

SEC. 4. Said tax lists, with the warrants attached, shall be delivered to the collector, by the city clerk, on or before the last day of ..... in each year, and shall constitute the only process necessary to be issued, for the collection of the annual taxes. The city clerk shall take a receipt from the collector for the said tax lists, specifying the amount of the taxes levied on each list.

SEC. 5. When any special assessment shall have been confirmed by the board of aldermen, and no right of appeal therefrom is given by this act, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the corporate seal, and signed by the mayor and city clerk; shall contain a copy of the assessment roll as confirmed by the board of aldermen, or so much thereof as describes the real estate assessed, and the amount of the assessment in each case; if the right of appeal from the order of confirmation should exist in any case, said warrant shall not be issued until the expiration of the term limited for the taking of such appeal, and if in any case an appeal should be actually taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

SEC. 6. All warrants issued for the collection of special assessments, shall be delivered by the city clerk to the collector, taking his receipt therefor in the manner prescribed in the case of warrants, for the collection of the annual taxes.

SEC. 7. Upon the receipt of any warrant for the collection of the annual taxes, or any special assessment, the collector shall forthwith give notice, by ten days publication in the corporation newspaper, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office; and, that in default thereof, the same will be

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collected at the cost and expense of the person liable for the payment of such taxes or assessments. Immediately after receiving the personal property tax list, he shall notify all persons through the postoffice of the amount of their personal property tax. In the notice to be published in the corporation newspaper, he shall notify all parties interested that, after the expiration of sixty days from the day of receiving said list, he will levy upon the personal property of all who shall have failed to pay, and at the end of sixty days he shall so levy, if property belonging to such delinquent persons can be found, and he shall be liable for the amount of their tax in case of neglecting to do so. When persons cannot be found, or property belonging to them out of which to make the tax, the collector shall advertise their names, and call for information concerning them and their property, and state the amount of their tax in the corporation newspaper, and this tax shall be a lien upon any property they may have, or may thereafter acquire, until paid; and the collector, or his successor in office, may, at any time thereafter, levy for the same. But nothing in this section contained shall be so construed as to prevent the collector from levying, at any time after the publication of the ten days' notice above required.

SEC. 8. All taxes levied by the board of aldermen under this act shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes are paid. Every person owning real estate on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes, from and after the delivery of the warrant for the collection thereof to the collector; and no sale or transfer of said property shall effect the lien, but the said property may be seized by the collector whenever found, and removed, if necessary, and sold to discharge the taxes of the person owing the same, and the same proceedings may be resorted to by the collector, upon any warrant issued for the collection of a special assessment.

SEC. 9. If from any cause the taxes charged in the real estate tax list, shall not be collected or paid on the lands or lots described therein, on or before the first day of ....., ensuing the date of the warrant, it shall be the duty of the collector to demand and collect, for the use of said city, in addition to the taxes remaining unpaid, five per cent. damages thereon in every case, and if the assessments charged in any special assessment warrant, shall not be paid within sixty days after the first publication of notice by the collector, that he has received such warrant for collection, the assessments then remaining unpaid shall be collected with damages



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at the rate of three per cent. thereon, for each and every month thereafter, until the same shall be paid.

SEC. 10. It shall be the duty of the collector, between the .... day of ..... and the last day of ..... in each year, to make a report by some court of general jurisdiction, held in said city, at any special or general term thereof, of all the taxes and assessments then remaining unpaid upon the real estate tax list, and all especial assessment warrants which were delivered to him on or before the last day of the preceding ....., asking for judgment against the several lots and parcels of land, or other property described in such list or warrants for the amount of taxes, assessments, damages and costs, respectively, due thereon. The collector shall give notice, by six days' publication thereof in the corporation newspapers, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which such application is to be made, and request all persons interested to attend at such times. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the collector to such court for judgment, and shall be held a sufficient demand and refusal to pay the said taxes and assessments.

SEC. 11. The collector shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with a certificate of the due publication thereof from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of such court at the said term, with said reports.

SEC. 12. The clerk of said court, upon the filing of such reports by the collector, shall receive and preserve the same, and shall record thereon all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit, and shall be docketed by the clerk in the following form as nearly as may be, to-wit: "City of Jefferson vs. ..... ..... and others; suit for taxes. Or ..... city of Jefferson vs. ..... and others; suit for assessment or warrant for .....," or in such other manner as will sufficiently indicate the nature of the improvement for which assessment is due.

SEC. 13. It shall be the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over all other cases pending in said court; the said court shall pronounce judgment against the several lots and parcels of land or other property described in said reports, for which no objection shall be filed for the amount of the taxes or assessment

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damages and costs due severally thereon. The owner of any property described in said reports or any person beneficially interested therein may appear at said court at the time designated in the collectors notice, and file objections in writing, to the recovery of judgment against such property, but no objection shall be sustained, founded on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings, and shall dispose of the same with as little delay as possible consistently with the demands of public justice, but should justice require that, for any cause the suit as to one or more owners should be delayed for more than twenty days; judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof the same as in all other cases.

SEC. 14. In all cases where judgment shall be rendered by default against the property described in said report, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form: "Whereas, Due notice has been given, of the intended application for a judgment against said lands and other property, and no owner hath appeared to make defense, or shown cause why judgment should not be entered against the said lands and other property, for the taxes, (or assessment as the case may be,) damages and costs due, and unpaid thereon; therefore it is considered by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land and other property, in favor of the city of Jefferson, for the sum annexed to each lot or parcel of land, or other property, being the amount of the taxes, (or assessment,) damages and costs due severally thereon, and it is ordered by the court that the said several lots and parcels of land or other property, or so much thereof as shall be sufficient, of each of them, to satisfy the amount of the taxes, (or assessment,) damages and costs annexed to them severally, be sold as the law directs. In all cases where a defense shall be interposed and judgment shall be rendered against the property; a similar order adapted to the circumstances of the case shall be made out and entered of record. Ten cent costs shall be taxed to each lot, against which judgment is rendered; five cents to be ..... for fees, and five cents for advertising the notice of sale."

SEC. 15. It shall be the duty of the clerk of such court within twenty days after such order is granted, as aforesaid, to make out, under the seal of said court, a copy of so much of said collector's, report in such case as gives a description of the land, or other property against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court

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therein, which shall constitute the process on which all lands, lots, sub-lots, pieces, and parcels of land or other property, shall be sold for the amount of any taxes, assessments, damages, and costs so levied, assessed or charged upon them; and the said city collector is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property upon two days' notice, to be published at least three times in some newspaper printed in said city.

SEC. 16. The said advertisement so to be published in each case of a judgment upon any special or general collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land or other property to be sold; the names of the owners, if known, the amount of the judgment rendered thereon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale, at a time and place to be named in said advertisement by said collector. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, of the property be otherwise described with sufficient certainty, the proceedings may be stopped at any time upon payment of said judgment to the collector.

SEC. 17. In all proceedings and advertisements for the collection of said taxes and assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sub-lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

SEC. 18. The sale shall be made for the smallest proportion of ground (to be taken from the east side of the premises) for which any person will take the same, and pay the amount of judgment thereon, certificates of sale shall be made and subscribed by the collector, which shall be delivered to the purchaser, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem will expire. The collector shall continue such sale from day to day until all the lots or parcels of land or other property contained in his precept on which judgment remains unpaid, shall be sold or offered for sale.

SEC. 19. The person purchasing any lot or parcel of land, or other property, shall forthwith pay to the collector the amount of the judgment due thereon, and on failure to do so, the said property shall be again offered for sale in the same manner as if no sale had been made, and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any parcel of

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land or other property, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

SEC. 20. The collector shall make return of his precept to the court from which the same was issued; a record of all sales made by the collector shall be kept in the office of the city clerk, which shall be open to public inspection at all reasonable times, and said record or copies thereof certified by said city clerk, shall be deemed sufficient evidence to prove the sale of any land or other property for taxes or assessment or any other fact authorized to be recorded therein.

SEC. 21. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in the case of sales of real estate for taxes, on the payment in lawful money of the United States of double the amount for which the same was sold, and all taxes accruing subsequent to the sale with interest at the rate of ten per cent. per annum. If the real estate of any infant, *feme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the treasurer, and taking his voucher therefor, and filing the same in the office of the city clerk, who shall thereupon note the fact of said redemption upon his record of sales; or any person holding a certificate of sale, may surrender the same to the city clerk to be canceled, and the fact shall in like manner be noted upon said record, upon the return of the certificate, or proof of its loss, and the filing with the ..... of the affidavit required by the Constitution of this State: if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assignees under the corporate seal, signed by the mayor and clerk, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid; a memorandum of all deeds so made and delivered shall be entered by the city clerk in the book wherein tax sales are recorded, and a fee of one dollar may be charged by the city clerk for every deed so issued.

SEC. 22. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof, shall vest in the assignee or his legal representatives all the right and title of the original purchaser.

SEC. 23. Whenever it shall appear to the satisfaction of the city clerk, before the execution of a deed for any property sold for taxes, that such property was not subject to taxation, or that the

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taxes had been paid previous to the sale, he shall make an entry opposite to such property on his record of sales that the same was sold in error, and such entry shall be evidence of the fact therein stated, and this provision shall apply so far as is applicable to all sales for special assessment.

SEC. 24. All deeds made to purchasers of lots, lands, or other property sold for taxes or assessments shall be *prima facie* evidence in all controversies and suits, in relation to the right of the purchaser, his or her heirs or assigns to the premises thereby conveyed, of the following facts:

First—That the land or lot conveyed, was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Second—That the taxes or assessments were not paid at any time before the sale.

Third—That the land or lot conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the facts.

First—That the land or lot was sold for taxes or assessments, as stated in the deed.

Second—That the land or lot was advertised for sale in the manner and for the length of time required by law.

Third—That the grantee in the deed was the purchaser. That the sale was conducted in the manner required by law; and in all controversies and suits involving the title to the lot or land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation at the date of sale; that the taxes or assessments had been paid; that the land or lot had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this State; but no person shall be permitted to question the title acquired by said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land or lot at the time of the sale, or that the title was obtained from the United States or this State, after the sale, and that all taxes due upon the lot or land have been paid by such person, or the person under whom he claims title as aforesaid, and no deed of land or other property sold for the non-payment of taxes or assessments shall be questioned in any suit or controversy, unless the person wishing to contest the same shall have tendered or deposited the amount of the

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redemption money and interest as now provided by the laws of this State in case of sales of real estate for taxes.

SEC. 25. Any changes made in the incumbent of the office of the collector during the pendency of any such proceedings shall not operate to affect or delay the same, but the successor or successors in office of such collector shall be authorized to do all acts necessary to complete such proceedings the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office the proceedings shall be prosecuted by the ..... until such vacancy is filled by election or otherwise.

SEC. 26. All sales of property for the non-payment of taxes and assessments for any improvement of what kind so ever, shall be held at the same time with the general sale of property for non-payment of city taxes in each year, unless in particular cases said sale is stayed or delayed by examination or process of law; the intent hereof being that there shall be but one general collection by sale, of all taxes and assessments whatsoever in each and every year, which sale shall take place in the manner hereinbefore provided, and at the same time in each year; *provided*, that in all cases where judgment should be delayed in consequence of any appeal, or the delay of any court in rendering its decision, such sales may be made at any time after final judgment shall have been rendered, upon notice to be given as in other cases.

SEC. 27. Any assessor, collector, or other officer, who shall in any case refuse, or knowingly neglect to perform any duty enjoined upon him by this chapter, shall be prevented or hindered, shall for every such neglect or refusal, be liable by said city, individually, and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal to be recovered in an action of debt, in any court having jurisdiction of the amount thereof.

SEC. 28. No assessment of property, or charges for taxes or assessment thereon, shall be considered illegal on account of any irregularity or informality in the tax lists or assessment rolls, or on account of the assessment rolls or tax lists not being made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers entrusted with the levying and collection of taxes or special assessments, not effecting the substantial justice of the tax or assessment itself, shall vitiate, or in any way affect the tax or assessment.

SEC. 29. If any purchaser of lands, lots or other property, sold for city taxes or assessments, shall suffer the same to be again sold for like taxes or assessments, before the expiration of two years

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from the date of his or hers purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the second sale, during which time the land, lot or other property, shall be subject to redemption, and the person redeeming shall only be required to pay for the use of the purchaser, at the first sale, the amount paid for the property, and double the amount paid by the second purchaser for his use, as in other cases.

SEC. 30. All corporations, companies or associations, not incorporated under the laws of this State, engaged in said city in effecting fire, marine or life insurance, shall pay to the city treasurer the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received or have been agreed to be effected in said city, by or with such corporations, companies or associations, respectively. Every person who shall act in said city as agent or otherwise, for or on behalf of any such corporation, company or association, shall on or before the fifteenth day of July and January in each year, render to the city recorder a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him or any other person for him, or shall have been agreed to be paid for or in behalf of any such corporation, company or association, and shall specify in said account the amounts received from fire, marine and life insurance respectively. Said agents shall also pay over to the city treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in said city until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risks that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporations, company or association, or its agents, by action in the name and for the use of said city, as for money had and received for its use.

SEC. 31. The moneys so collected from the insurance companies

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shall be used only for the purpose of promoting the efficiency of the fire department of said city, and providing a fund for the relief of disabled firemen.

*Fire Department.*

The board of aldermen, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected, or placed or repaired, without permission, and to direct that all and any buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof and to prescribe the manner of ascertaining such damage.

First—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous.

Second—To prevent the deposit of ashes in unsafe places, and to cause all such buildings and enclosures, as may be in a dangerous state, to be put in safe condition.

Third—To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire.

Fourth—To regulate and prevent the use of fire works and fire arms.

Fifth—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Sixth—To authorize the mayor and board of aldermen, police or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of said city and other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat.

Seventh—And generally to establish such regulations for the prevention and extinguishment of fires as the board of aldermen may deem expedient.

SEC. 2. The board of aldermen shall procure fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide, fit and secure engine houses and other places for keeping and preserving the same; and shall have power,

First—To organize fire, hose, hook and ladder and axe companies.

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Second—To provide for the appointment of a competent number of able and respectable inhabitants of said city, foremen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Third—To prescribe the duties of foremen and their compensation, and to make rules and regulations for their government, and to impose reasonable fines and forfeitures upon them for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them.

SEC. 3. The chief and assistant engineers of the fire department, with the other foremen, shall take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires, and their duties and powers shall be defined by the board of aldermen.

SEC. 4. The assistant engineers of the fire department shall also act as fire wardens, and it shall be their duty to examine all buildings and enclosures, to discover whether the same are in a dangerous state, and to report to the chief engineer all violations of the charter or ordinances of said city in relation to the prevention or extinguishment of fires.

SEC. 5. The board of aldermen shall have power, in its discretion, to authorize the appointment of a fire marshal, whose duty it shall be to inquire into and investigate the cause of all fires which may occur in the city as soon as may be after they occur, and to keep a record of his proceedings and of the evidence in each case, and to file the same, or a copy thereof, in the office of the city recorder. He shall have power to compel the attendance of any person in said city to testify upon oath concerning any fire in said city, under such penalty as the board of aldermen may provide; and he is hereby authorized to administer oaths to all such witnesses. He shall be required to use his utmost exertions in the discovery, arrest and conviction of all incendiaries, and perform such other duties as the board of aldermen may prescribe. Any or all of the above mentioned duties may be devolved by the board of aldermen upon the chief engineer.

SEC. 6. The members of the board of aldermen and finance shall, during their term of service as such, be exempt from serving on juries in all courts of this State and in the militia. The name of each fireman shall be registered with the recorder of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the recorder, made within the year in which the exemption is claimed.

SEC. 7. One-eighth part of the amount of all fire insurance rates, which shall be annually paid into the city treasury, as herein-

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before provided, shall be reserved and set apart, to create a fund for the relief of distressed firemen who may become disabled in the service of the city, and shall be used solely for that purpose. Said money shall be disbursed in such sum and under such rules and regulations as the board of aldermen shall prescribe. The remaining seven-eighths of the aforesaid revenue shall be retained by the city for the payment of fire engines that have been or may hereafter be purchased by said city.

All acts and parts of acts passed by the Legislature of the State of Texas, and all ordinances, regulations and resolutions now in force in the city of Jefferson, and not in conflict with this act, shall remain in full force under this act until altered, modified or repealed by the board of aldermen or other competent authority, after this act shall take effect.

SEC. 2. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved December 1, 1871.

[NOTE BY THE SECRETARY OF STATE.—The foregoing act is enrolled very imperfectly, and differs in many instances very materially from the engrossed bill; a large portion is entirely omitted.]

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## CHAPTER CXIII.

AN ACT TO AMEND SECTION NUMBER EIGHT, OF AN ACT TO AMEND SECTIONS ONE, TWO, THREE, FIVE, SIX, ELEVEN, TWELVE, THIRTEEN, FIFTEEN, NINETEEN AND TWENTY OF AN ACT TO INCORPORATE THE WACO TAP RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section eight of the above entitled act, approved August 6, 1870, shall be so amended as to read as follows:

"Said company shall commence the construction of said road within twelve months after the organization of their company, and shall complete and have in running order that portion of its road commencing at its point of junction at the town of Bremond, in Robertson county, with the road of the Houston and Texas Central Railway Company, and from thence continuing to the town of Marlin, in Falls county, on or before the first day of March, A. D. 1872, and shall complete and have in running order their said road to, or near, the city of Waco,

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say to the Waco depot, on or before the first day of January, A. D. 1873; and fifty other miles shall be completed within three years thereafter, and twenty miles a year thereafter, until the road is completed to its northwestern terminus, in the copper or coal mining regions, or to the State line."

SEC. 2. That this shall take effect from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXIV.

AN ACT TO AUTHORIZE THE COUNTY OF CALHOUN TO IMPROVE THE CHANNEL FROM THE GULF INTO MATAGORDA BAY, AND TO CREATE A BONDED DEBT FOR THAT PURPOSE.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the county of Calhoun be, and it is hereby authorized to contract for the improvement of the channel, from the Gulf into the bay of Matagorda; and to that end, and for the payment of money due upon such contract, may create a bonded debt, pursuant to the provisions, and the conditions, and with the restrictions and limitations contained in an act entitled, "An act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvement," approved April 12, 1871.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXV.

AN ACT FOR THE RELIEF OF THE HEIRS OF N. A. BONZANO, DECEASED.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to the heirs of N. A. Bonzano, deceased, an unconditional headright certificate for twelve

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hundred and eighty acres of land, by virtue of conditional certificate No. 518, issued by the board of land commissioners for the county of Harrisburg, to N. A. Bonzano for twelve hundred and eighty acres of land on the eighth day of June, 1838; said unconditional certificate, when issued, to be located and patented as in other cases.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXVI.

AN ACT TO INCORPORATE THE JEFFERSON REAL ESTATE, TRUST, AND DOLLAR SAVINGS COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That E. W. Taylor, Perry H. Graham, F. A. Schluter, B. W. Gray, H. D. Benners, W. N. Bryant, Jackson Prouty, C. M. Campbell, and such others as they may associate with them, and their successors, be and they are hereby declared and created a body corporate and politic, under the name and style of the "Jefferson Real Estate, Trust, and Dollar Savings Company," of Jefferson, Texas, with authority in said corporate name and capacity to sue and be sued, plead and be impleaded, contract and be contracted with, to have succession and a common seal; they shall have the right to purchase and sell; hold, pledge and receive in pledge; to transfer and convey any property, either real, personal or mixed; may make loans and borrow money to the extent of the capital authorized to be employed by this act of incorporation; to receive on deposit any and all sums of money, merchantable and negotiable security, in amounts not less than one dollars; to act, when required, in the capacity of a trust company, being capable, in law and equity, of executing such trusts as may be performed by an individual trustee; to make and adopt, revise and amend such by-laws, rules and regulations, as in the judgment of the company may be necessary to a successful organization and future management; and generally to do any act within the scope of this charter, not at variance with the Constitution and laws of this State.

SEC. 2. That the capital stock of said company shall be twenty-five thousand ($25,000) dollars, with the privilege and power, under this charter, by a vote of the directory thereof, of increasing

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the same from time to time as the increasing business of the company and the exigences of the same may demand, to, and within, five hundred thousand ($500,000) dollars. The said stock shall be divided into shares of one hundred dollars each, on which there shall be paid, at the time the subscription to the said stock is made, not less than five (5 p. c.) per cent on all the stock so subscribed; each share to entitle the holder to one vote, either in person or by proxy, in all meetings of the company. Said shares to be deemed personal property, and if any stockholder shall refuse or fail to make payment on such stock as may be subscribed to by him, or her, on such calls or assessments as may be made under authority of this charter, or the rules and regulations adapted by the company, within twenty days from the date of such assessment or call, his or her stock shall, upon such default, be sold in such manner as the directory may prescribe, and such stockholder shall cease to be a member of such company.

SEC. 3. The management of said company shall consist of a board of directors of not less than five nor more than seven persons, to be chosen annually by the stockholders. They shall elect from the board of directors one president, one vice president, one treasurer and one secretary, and such other officers as the by-laws of the company may prescribe, whose term of office shall be for one year, or until their successors shall qualify.

SEC. 4. The secretary and treasurer of said company shall, before entering officially upon their duties, enter into bond, respectively, with said company, with two or more good and sufficient sureties, in the sum of ten thousand dollars, conditioned for the just and faithful performance of the duties devolving upon them in their official capacities; said bonds shall be deposited with the treasurer of the city of Jefferson for safe keeping, and they shall not be forfeitable upon the first recovery.

SEC. 5. The bonds required to be executed by the treasurer and secretary, respectively, as hereinbefore provided, may be canceled at any time by a majority vote of the directors of said company, and the secretary and treasurer be required to renew the same in such greater sums and amounts as the increased business and greater security of the company may seem to demand.

SEC. 6. The salary of the president of said company shall not exceed the rate of twenty-five hundred dollars per annum, until one hundred thousand dollars of the capital stock shall have been subscribed to, and five (5 p. c.) per cent. of the whole has been paid in; nor shall the salaries of the secretary and treasurer of said company exceed the rate of fifteen hundred dollars per annum, until under

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the provisions of this charter the salary of the president thereof shall have been advanced.

SEC. 7. The members of this act of incorporation, and such persons as they may associate with them, shall meet in the city of Jefferson within one hundred and twenty days from the passage of this act, for the primary organization of said company, and they shall give notice by publication in some newspaper published in the city of Jefferson, of the day and date upon which books will be opened to the public for subscription to the capital stock of said company; and not until twenty-five thousand dollars of the same shall have been subscribed and five per cent. thereof have been paid in, shall the said company be authorized to enter formally upon the privileges conferred by this charter.

SEC 8. The legal domicile of said company shall be in the city of Jefferson.

SEC. 9. All obligations of the company shall be signed by the president and treasurer.

SEC. 10. This act of incorporation shall take effect from its passage, and remain in force for the period of fifty years.

Approved December 1, 1871.

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## CHAPTER CXVII.

### AN ACT TO INCORPORATE THE NORTH TEXAS LAND COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. S. Porter, Geo. A. Cutler, G. W. Porter, and their associates, be and they are hereby incorporated and declared to be a body politic, under the name of the North Texas Land Company, and under such name may transfer their rights by succession, and shall be persons in law, capable of suing and being sued, impleading and being impleaded, and that they and their successors, by the same name and style, shall be in law capable of holding and conveying any estate, real, personal or mixed; that they shall have the power and authority to make contracts for the introduction of immigrants to settle upon their lands, and doing and performing all things necessary for the business of said company and not contrary to the Constitution and laws of the State; said company shall have a corporate seal, with such device as they may select, and may alter the same at their pleasure.

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SEC. 2. The objects of said company are declared to be to promote immigration to Texas, to facilitate the sale, purchase and settlement of lands by immigration, and to assist in promoting and protecting the interests of the frontier counties, by the introduction and settlement of colonies of agricultural and other skilled operations in that section of the State.

SEC. 3. The capital stock of said company may be fixed by the stockholders at any amount not to exceed two hundred thousand (200,000) dollars, and the lands of the stockholders may be received by the company in lieu of money, in payment of the capital stock, at such valuation as shall be mutually agreed upon, and the said capital stock shall be divided into shares of fifty (50) dollars each, to be deemed personal estate, each share to entitle the owner to one vote, either by person or proxy, in all meetings of the stockholders.

SEC. 4. That this act shall take effect and be in force from and after its passage, and shall continue in force for twenty-five years.

Approved December 1, 1871.

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## CHAPTER CXVIII.

AN ACT TO AUTHORIZE AND EMPOWER THE CORPORATE AUTHORITIES OF THE TOWN OF PALESTINE TO EXTEND THE STREETS AND ALLEYS OF SAID TOWN TO THE EXTERIOR LIMITS OF THE CORPORATION, AND TO LAY OUT AND MAKE NEW STREETS AND ALLEYS WITHIN THE LIMITS OF SAID CORPORATION.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the mayor and aldermen of the town of Palestine, in the State of Texas, be and they are hereby authorized and empowered to extend the streets and alleys of said town of Palestine to the exterior limits of said town corporation, and to lay out and make new streets and alleys within the corporate limits of said town whenever such new streets and alleys shall be necessary for said town and for the convenience of the inhabitants thereof; *provided*, that in extending the streets on the north side of the public square, they shall be run parallel with the lines of the existing surveys of land, and not otherwise, except by the consent of the owner or owners.

SEC. 2. *Be it further enacted*, That when in making such extension of streets and alleys of said town, and in laying out and

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making new streets and alleys, as contemplated by the first section of this act, such streets and alleys shall pass over any land not belonging to said corporation, the title to which cannot be obtained for these purposes by voluntary donation from the owner or owners thereof, or the title to which may be in minors or others incapable of conveying or unwilling to convey the same to said corporation, then the mayor and aldermen of said town may cause such land to be condemned to the use of said corporation in the making and extension of the public streets and alleys of said town.

SEC. 3. *Be it further enacted*, That for the purpose of condemning lands as provided for in the preceding section of this act, the said mayor and aldermen may appoint two disinterested commissioners, and any owner or owners of land to be condemned may appoint two other disinterested commissioners, all to be citizens and freeholders or householders of said town, and these four commissioners may select a fifth of like qualifications, who shall, under oath, examine the land to be so condemned and determine the amount of damages to be paid to the owner or owners thereof, if, in the judgment of said commissioners, any damages ought to be paid to the same; and no determining the question of damages, said commissioners shall take into consideration the increased value which the extension and laying out of such new streets and alleys will give to the remaining lands situated in said town, of the person or persons whose land is to be so condemned; and if this increased value of such remaining lands shall be equal to or greater than the amount of the damage caused by the opening of such new streets and alleys, then said commissioners shall not allow damages to the owner or owners thereof, for the land so condemned; *provided*, that if any owner or owners of such land be absent or otherwise unable to appoint the two commissioners herein provided for, or if such person or persons shall refuse to appoint such commissioners as they are herein authorized to appoint, then and in that case said mayor and aldermen shall appoint three disinterested commissioners, who, und oath, shall proceed to determine the question of damages.

SEC. 4. *Be it further enacted*, That said corporation shall pay all damages assessed under the authority of this act; and for that purpose said mayor and aldermen are hereby authorized to levy and collect taxes on persons, property and business in said corporation, from year to year, as such damages may be adjudged against such corporation; *provided*, said taxes for any one year shall not exceed one-half per centum, and license an occupation taxes on all trades, occupations, professions and business, not to exceed one-half the amount of such taxes imposed at the time the same are levied and collected for the use of this State. The taxes herein authorized



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to be levied and collected shall be exclusively applied to the purposes contemplated by this act, and this act is not to interfere with existing laws relating to the powers and duties of the corporation of said town, or the levying and collecting of the ordinary corporation taxes.

Approved December 1, 1871.

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## CHAPTER CXIX.

AN ACT TO INCORPORATE THE DOLLAR SAVINGS BANK OF BRENHAM.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That Mathew Gaines, Scipio Thompson, Sam Love, Charles Childs, W. M. Ester, Allen Wilder, R. G. Moore, Louis Brooks, Allen Harris, Wesley Taylor, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of the Dollar Savings Bank of Brenham, and shall have succession, a common seal, with power to plead and be impleaded; to sue and be sued; to appoint all necessary assistants; and may have, enjoy, and exercise all the powers necessary to carry out and execute all the purposes and intents of a savings bank and trust corporation.

SEC. 2. The general business and objects of this incorporation shall be to receive or deposit or entrust such sum or sums of money as may, from time to time, be offered therefor by tradesmen, merchants, clerks, laborers, servants, and others, to be repaid to such depositors, when demanded, at such times, with such interest, and under such regulations as the board of directors may from time to time prescribe, which regulations shall be posted up in some conspicuous place in the room where the business of said corporation shall be transacted.

SEC. 3. The business of the corporation shall be managed by twelve directors, and the persons named in section one shall be the first directors thereof, and shall so continue for one year from the date of organization of the company, and any vacancy which may occur, from resignation or other cause, may be filled by a majority of directors remaining.

SEC. 4. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, paya-

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ble in such instalments as the directors may from time to time elect, under such penalties as they may in their discretion adopt. And the directors are hereby appointed and authorized to superintend the subscriptions to the capital stock of the corporation, and it will be competent for said directors to commence the business of the corporation when the full amount of stock shall have been subscribed and at least ten per cent. of it paid into the treasury.

SEC. 5. This corporation may loan money according to the Constitution and laws of the State, or may discount in accordance with bank usages, taking such security therefor, either real or personal, as the directors may deem sufficient. Said corporation shall have power to borrow money, buy and sell exchange, bullion, bank notes, government stocks and other securities; but nothing in this act contained shall confer on said corporation the privilege of issuing notes similar to bank notes for the purpose of a circulating medium, unless the same may be done in conformity with the laws of the United States in such case made and provided.

SEC. 6. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient and necessary for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security or in payment of any debt or debts due or to become due to the said corporation, to purchase real estate at any sale made by virtue of any loan, debt or mortgage made to or held by said corporation, and to receive and take, in whole or in part, satisfaction of any such loan or debt any real estate, and to hold and convey the same.

SEC. 7. The stockholders of this corporation shall meet at such time, not exceeding one year from the date of organization, as the directors may fix upon, and annually thereafter, and elect by ballot, from their own number, twelve (12) directors to serve for the term of one year, or until their successors are chosen. Each stockholder shall be entitled to one vote for every share of stock standing in his or her name on the books of the corporation, and they may vote in person or by proxy; the name of the stockholder so voting shall be endorsed on the ballot, and plurality of votes shall elect. The directors shall elect annually from their number a president and vice president. The cashier may be selected from the stockholders by the directors. The directors shall make and execute such by-laws as may be necessary and convenient for the proper prosecution of the business of the corporation not inconsistent with this act or with the laws of this State or of the United States.

SEC. 8. At any time after the full payment of the original stock of fifty thousand dollars as hereinafter provided, the directors may increase the capital stock of said corporation to any amount

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not exceeding five hundred thousand dollars, in shares of one hundred dollars each, and said increased stock shall be subject to all the liabilities, in munities and privileges of the original stock. Stockholders shall have the option of subscribing to such additional stock *pro rata*, within such time as the directors may limit.

SEC. 9. When any deposit is made to said corporation by a minor or a female, being, or hereafter becoming a married woman, the said corporation may pay such depositors any sums of money due to them, which they themselves have deposited, and their receipt or acquittance shall be a legal discharge of said corporation therefor.

SEC. 10. The stock of this corporation shall be deemed personal property, transferable only on the books of the company, and no transfer shall be valid while the stockholder is indebted to the company.

SEC. 11. This corporation shall exist for the term of fifty years next succeeding the passage of this act. This act shall be void unless said company shall organize and proceed to business within three years after the passage hereof. The said company shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust, or deposit companies.

SEC. 12. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice, and shall take effect on and after its passage.

Approved December 1, 1871.

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## CHAPTER CXX.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF AUSTIN TO LEVY AND COLLECT A SPECIAL TAX FOR THE ESTABLISHMENT, SUPPORT AND MAINTENANCE OF A FIRE DEPARTMENT IN SAID CITY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the city council of the city of Austin be and they are hereby authorized to levy and collect a tax, not to exceed one fourth of one per centum, upon the assessed valuation of all the real estate within the corporate limits of said city; said assessment and collection to be based upon the assessment of said property for the A. D. 1870.

SEC. 2. That the tax provided for in the foregoing section is to

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be levied, assessed and collected solely and exclusively for the establishment, support and maintenance of the fire department of said city, and shall be in no manner whatsoever divested from said uses and purposes.

SEC. 3. That notice of this act and the call for the tax herein provided for shall be given by the mayor of said city by publication in a daily newspaper of said city, for twenty consecutive days previous to proceeding to collect the same.

SEC. 4. That all sums collected under this act shall be immediately paid into the city treasury, and there held exclusively as a fire department fund to be paid out and appropriated in the following manner only, viz.: Upon drafts drawn by an executive committee of three firemen, representing respectively the three existing fire companies of said city, and with the approval of the chief of said fire department, and the mayor of said city endorsed thereon.

SEC. 5. That the tax herein provided for shall be collected but once; and that this act cease to have effect after the collection of the same, and that the collection of said tax after notice given as herein provided, may be enforced in a like manner as in the collection of other State and municipal taxes.

SEC. 6. That this act continue in force for the purpose herein specified and no longer, and go into effect from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXI.

### AN ACT TO INCORPORATE THE GALVESTON AND EASTERN TEXAS RAILWAY COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Joseph J. Hendley, Clinton G. Wells, William H. Goddard, Moritz Kopperl, John L. Darragh, T. J. League, T. B. Stubbs, James M. Brown, John Wolston, A. P. Lufkin, John Sealy, R. S. Willis, J. H. Chapman, Theodor Wagner, A. C. McKeen, John S. Sellers, Frank D. Harrar, J. E. Wallis, Gustave Ranger, C. H. Jordan, Leon Blum, S. Heidenheimer, Julius Frederich, M. V. McMahan, James P. Cole, M. D. K. Taylor, S. F. Moseley, James Wrigley, J. C. Day, R. S. Walker, H. G. Lane, J. H. Booty and J. T. Lacy be, and they are hereby, appointed commissioners to open books and receive subscriptions to the capital

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stock of a corporation to be styled the "Galveston and Eastern Texas Railway Company." A majority of said commissioners shall constitute a quorum to do business, and shall meet in the city of Galveston, at such time as a majority thereof may agree upon; and they may appoint one or more of their own body, and such other agents as they may select, to open books at such places as they may direct, to receive subscriptions for the stock of said company; and the said commissioners shall hold meetings from time to time, as their business may require, until directors shall be selected, as hereinafter provided. In receiving subscriptions for said capital stock, they shall require five per centum thereof to be paid at the time of subscribing, whether to one of their own number, or an agent appointed by them; and any subscription to said stock, upon which the amount of five per centum is not paid, shall be void, and the party receiving the same, on the part of the company, shall be responsible to it for said five per cent. upon said stock; *provided*, that certificates of said stock shall not be assignable until after the organization of said company.

SEC. 2. That the subscribers to the said capital stock, whenever they shall have selected directors, are hereby created and established a body corporate and politic under the name and style of the Galveston and Eastern Texas Railway Company, with capacity in said corporate name to sue and be sued, to plead and be impleaded, to have succession and a common seal, to make contracts, to grant and receive, to make by-laws for its government, and generally to do and perform all things necessary or proper to the maintenance of its rights under this act, and not inconsistent with the Constitution of this State and of the United States.

SEC. 3. The capital stock of said company shall not exceed twelve millions of dollars, to be divided into shares of one hundred dollars each; each share to entitle the owner thereof to one vote in all elections and meetings when the stockholders are called upon to vote, and a majority of the votes shall govern in all cases not otherwise provided by law; the said shares of stock shall be deemed personal estate, transferable only on the books of the company.

SEC. 4. The direction and control of the affairs of said corporation shall be vested in a board of not less than five nor more than nine directors, as the by-laws may provide; they shall be chosen by the stockholders at their annual meetings, the first of which shall be holden at such time as the corporators herein mentioned shall designate; the said directors shall select one of their own body to be president of said company, shall fill vacancies in their board, appoint a secretary, treasurer and such other officers and agents as they deem proper, and require bond for the prompt and honest discharge

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of their duties, make all proper rules for the holding of their meetings, and all other rules not inconsistent with the general laws, which they may deem necessary to protect the interest of the company; they shall cause to be kept accurate books of accounts, exhibiting the receipts and expenditures of the company. A majority of the directors shall constitute a quorum to do business, and shall have the power of a full board; and all conveyances and contracts in writing, signed by the president and countersigned by the secretary, or any other officer duly authorized by the board of directors, under the seal of the company, when the same is in execution of an order of the board, shall be binding and valid.

SEC. 5. That so soon as one hundred thousand dollars of the capital stock of said company is subscribed, and five per cent. thereon paid to the commissioners, they shall cause the first election to be held for directors, first giving notice of the time and place of such election, by publication in some newspaper printed in the city of Galveston, and such other places as may be deemed advisable; and when said directors, so elected, shall have organized, the said commissioners shall pay over to the treasurer of the company all the moneys they have received upon subscriptions to the stock of the company, and deliver to said directors all the books and papers belonging to the company.

SEC. 6. That said company, when organized under the provisions of this act, shall be and is hereby invested with the right of locating, constructing, owning, operating and maintaining a railroad, commencing at the city of Galveston, and running thence by the most eligible route to some point on the Trinity river, within the present limits of the counties of Liberty or Chambers; thence, by such route as may be deemed best, to the town of Homer; thence, to the town of Henderson; thence, to Jefferson, and from thence to some point on Red River, to connect with a railroad coming from or through the State of Arkansas, with the right to construct a branch road to the estern limits of the State, and shall have the right to unite or consolidate with any other railroad running in the same direction and forming a main trunk line.

SEC. 7. That said company after its organization in pursuance of this act under the board of directors, shall have power to receive further subscription to the capital stock of said company, until the whole amount shall have been subscribed; but five per cent. of its subscriptions shall be paid at the time of subscribing, and the directors shall be personally liable to said company for five per cent. of all such subscription as they may receive without such payment; *provided, however*, that said company may, by a vote of a majority of the votes of the stockholders, issue certificates of stock, to be is-

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sued in payment of any debt contracted for the construction or equipment of said road. Any agreement in writing, to subscribe for stock may be enforced according to its terms, and if any subscriber shall fail to pay any amount due upon shares subscribed for by him according to the terms of his subscription, the directors may sell at auction as required at sheriff's sale, the sale to take place in the county where the company has its principal office, and transfer the share of such delinquent to the purchaser, and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the company for the deficiency, but if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the excess.

SEC. 8. Said company shall have the right of way along their entire route, not to exceed two hundred feet in width, over all lands of the State, and the free use of rock, timber, gravel and earth thereof, and the terms of the general laws of this State to procure the release of the right of way from the owners of the lands along the route, and shall also have the right to construct and operate a telegraph line along the whole route, for the uses of the company.

SEC. 9. The said company, in its charges for freight and passengers, shall be governed by the general railroad law; it shall have the right to cross all public highways that it may be necessary to cross to establish said railway; and if said road shall cross any stream that is navigable, it shall cross in such manner as not to impede navigation.

SEC. 10. That said company shall have the right to form a junction with any other railroad, at either of its termini, or between the same, upon such terms and conditions as may be agreed on by the companies; and if, from any cause, said companies cannot agree upon the terms and conditions of such junction, then and in that case the same shall be determined by arbitrators, not being stockholders in either company, to be chosen by each party; and if they cannot agree, the difference to be adjusted by an umpire chosen by the arbitrators.

SEC. 11. That said railway company shall have power to borrow money and issue its bonds, with or without mortgage; *provided*, that the same be done in conformity to the laws of the State, this act of incorporation, and the by-laws of the company.

SEC. 12. The annual meeting of the stockholders of this company shall be held at the principal office in the city of Galveston, on the first Monday of December of each year, which shall be a day for the transaction of business by the stockholders, at which time the annual election for directors shall take place. Should the stockholders, owning a majority of the stock, fail to meet on that day,

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the directors may appoint another day for said election, and an election held on the day appointed, shall be valid. Directors elected under the provisions hereof, shall hold office until the next annual meeting, and until their successors are chosen and qualified.

SEC. 13. This company shall be subject to all general laws now in force, or which may hereafter be in force, in regard to running over the road of one company by another, when the public interest or the interest of commerce requires it, and may form a junction and connect with any other road, in such manner as may best and most certainly secure the construction of their railway.

SEC. 14. This charter shall remain in force for the period of ninety years, from the date of completing said railway; *provided*, the conditions set forth are fully complied with.

SEC. 15. Said company shall commence the construction of said road at Galveston or on bank of Trinity river, and shall build fifty miles thereof in twenty-four months from the organization of said company. They may also commence construction at such other points on said line as they may designate.

SEC. 16. That subscriptions for stock may be paid in land; *provided*, that the owner of land who desires to pay for his stock with the same, shall pay the full amount of his subscription in lands at the time of subscribing, at the rate the owner and company shall agree upon; *provided*, that the title to such land shall not vest in the company until the section of twenty-five miles, which is nearest said land on the line of the railway, shall have been completed.

SEC. 17. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXII.

AN ACT TO INCORPORATE THE ARROW FAST FREIGHT AND TRANSPORTATION COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That N. H. Ricker, Starr S. Jones, H. Portman, J. W. Allen, Jas. H. Miller, Charles W. Perry, R. P. Sargent, U. H. Griffin, E. S. Graham, their associates, successors and assigns be and they are hereby constituted and created a body corporate and

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politic, under the name and style of the Arrow Fast Freight and Transportation Company. Said company shall have succession and a common seal, with power to sue and be sued, plead and be impleaded, to grant and receive in their corporate name, to make by-laws for their government, and generally to do and perform all such acts and things proper and necessary to be done by corporate bodies to carry into effect the objects and ends of said incorporation not inconsistent with the laws of the State of Texas or of the United States. And the above named incorporators shall constitute the first board of directors, a majority of whom shall constitute a quorum to do business, and shall meet at such time and place as may be designated by a majority of the corporators above named, and from their own number shall elect a president and vice president, and appoint such officers as they may deem necessary for their organization, who shall hold their offices until their successors are elected, as hereinafter provided for.

SEC. 2. The object of said company is declared to be, the fast freight and transportation business; to establish transportation routes; to own or lease cars, wagons and other vehicles, steamers, steamboats and other vessels used for freight and transportation business; to run its own or leased cars over all railroads, subject to existing laws and to the terms of previous agreement; contract with any railroad company; to make contracts to forward by railroads, steamers and other modes of conveyance, by sea or land, all kinds of goods, wares, merchandise, produce, live stock, etc., and to insure articles of all kinds forwarded by said company, subject to the stipulations and conditions of bill of lading of this line, and generally to transact all business direct and incidental to the fast freight and transportation business; to purchase and hold such real estate as may be useful in the conducting of their business, make contracts, draw bills of exchange, etc., and establish and prescribe rates for transportation, bills of lading and receipts for freight in writing, or printed, containing such contracts and stipulations and conditions as they may deem useful and expedient, and the same shall in all respects be binding, according to the terms, printed or written, as therein set forth, and may sell such property, to satisfy said debt, at public auction through any authorized agent, after giving ten days' notice of the time, terms and place of such sale in a newspaper published in the county where such sale is to be made.

SEC. 3. That the capital stock of this company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and this company may commence business as soon as ten thousand dollars of the capital stock shall have been subscribed, and ten per cent. of such subscription paid in. The board of directors

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shall have the power to make additional calls upon the stockholders for such a per centage as they may deem necessary, until the whole amount has been paid in; and in case any stockholder fails to pay in the amount of such calls within the time stipulated, the board of directors shall have the power to sell the stock upon which the call or assessment has been made, to the highest bidder, and the surplus, if any there is, and above the amount called for, shall be returned to the person owning the stock at the time of sale. This company shall have the power to increase its capital stock to five hundred thousand dollars whenever a majority of the stock shall deem it advisable.

SEC. 4. The control and direction of the affairs of said company shall be vested in a board of not less than five directors, who shall elect from their number a president and vice president, when ten thousand dollars of the capital stock of said company shall have been subscribed, as provided for in the preceding section; then the directors hereby constituted, shall call a meeting of the stockholders at such time and place as they shall appoint, and the stockholders shall proceed to elect a board of directors, who shall elect their president and vice president, as herein provided, and proceed to the election of such officers and agents as the board of directors may consider necessary to the management of the affairs of the company. The directors shall have power to fill any vacancies arising from death, resignation, or any other cause, and shall, at the time and place of such meeting, submit the by-laws of said company for the ratification of the stockholders; which by-laws shall provide all necessary rules for the holding of meetings, and all other things considered necessary, according to the provisions of this charter, and the proper conduct of its business.

SEC. 5. The principal office of said company shall be located in the city of Galveston; but may be removed at any time to such place as the business of the company may render expedient and necessary.

SEC. 6. That this company shall have the right to sell at public auction, any unclaimed freight or freights, having been refused by the consignees, after having held the same for ninety days, and after giving notice in one newspaper published in the city of Galveston, at least ten days before the date of such sale, and to sell for account of whom it may concern, any perishable freight within twenty-four hours after its receipt, or sooner if necessary.

SEC. 7. That no debts or liabilities contracted, or losses sustained by said company, shall be binding upon, or charged against individual stockholders for any amount, but such liabilities shall extend only to the stock, franchise and property of the company; and no

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mere informality in the organization shall have the effect of rendering this charter null, or exposing a stockholder to any liability beyond the extent of his stock.

SEC. 8. That this act shall take effect from and after its passage, and continue in force for fifty years.

Approved December 1, 1871.

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## CHAPTER CXXIII.

AN ACT TO AMEND AN ACT APPROVED AUGUST 13, 1870, INCORPORATING THE TOWN OF BREMOND.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the citizens of the town of Bremond, be and they are hereby declared to be a body politic and corporate, to be known by the name and style of the town of Bremond, and by that name may sue and be sued, plead and to be impleaded in all the courts of this State, may have and use a corporate seal, and may hold and dispose of property of all kind, real, personal and mixed, in said town.

SEC. 2. That the limits of said corporation shall include all that is embraced within the following boundary lines: North boundary line shall be one mile north of the southwest corner of block eleven of the town of Bremond; east boundary line one mile east of said block eleven; south boundary line one mile south of said block eleven; west boundary line one mile west of said block eleven, said boundary lines to be run north, south and east and west.

SEC. 3. That the mayor of said town is hereby authorized to have said town laid off by the county surveyor, whose duty it shall be to make notes defining its limits, which shall be filed by the mayor in the county court of Robertson county; that said mayor be, and he is hereby authorized to do any act, or perform any duty necessary to carry this act into effect not inconsistent with the Constitution and laws of this State.

SEC. 4. That an election shall be held in said town at the first general election after said town shall have been laid off as provided in section third of this act, for a mayor, a constable, a treasurer, and five aldermen, the first election to be ordered by the mayor or a majority of the aldermen acting at the time of said election; at least ten days' notice shall be given of each election, and the persons elected shall continue in office one year, until their successors are

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duly qualified; *provided*, that nothing in this section shall prevent the vacancies in said offices prior to such election, being filled in the same manner as may be provided by law, for other vacancies in town corporations.

SEC. 5. That whenever a vacancy shall occur in the office of mayor, there shall be one elected by a majority of the aldermen, to fill such vacancy, and the person so elected shall hold his office until the next general election, or until his successor shall be duly qualified; *provided*, said person shall be commissioned by the Governor.

SEC. 6. That no person shall be eligible to the office of mayor, alderman, treasurer, or constable, unless a registered voter and a citizen of said town, and no person shall vote in any election in said town unless said person be a registered voter of Robertson county and a citizen of, or a property holder in said town, who shall have resided sixty days in said town, preceding such election.

SEC. 7. That the mayor shall be president of the board of aldermen; that a majority of the members of said board shall constitute a quorum to transact business, and that said board may enact such by-laws for the government of said town, not inconsistent with the Constitution and laws of this State, as may be by them deemed proper and necessary, and may inflict fines for disobedience of the same; *provided*, that no fine in any case shall exceed one hundred dollars.

SEC. 8. That the board of aldermen shall have and exercise control over the streets and public places of said town; shall have power to levy an *ad valorem* tax on all fixed and movable property, real and personal, within the corporate limits of said town; *provided*, that said tax shall not in any one year exceed the present State tax on said property; said board of aldermen shall have power to levy and collect a license tax on all occupations taxed by the laws of the State, said taxes shall be assessed and collected by the constable, or in such other manner as the board of aldermen may direct in accordance with the regulating the collection of taxes for the State of Texas.

SEC. 9. That the board of aldermen shall have power to appoint such additional officers as may be necessary, with the regulations of the duties and compensation, and may require of them bond and security to the mayor in such penalty as may be deemed requisite to compel the efficient discharge of such duties as may be assigned them in said town of Bremond.

SEC. 10. That all offenses against the by-laws shall be prosecuted before the mayor; *provided*, that all persons shall have the right of trial by jury by depositing three dollars as jury fee, or make oath that they are unable to pay such fee; and governed by

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the laws organizing justices' courts; and the constable or his deputy shall execute and return all writs issued by the mayor in the same manner as is provided by law, defining the duties of constable; said constable shall give bond and security as required by law of other constables. said bond shall be recorded in the office of the county clerk of Robertson county, shall have the same power and be entitled to the same fees and such additional compensation as the board of aldermen may allow.

SEC. 11. That in case of the death, resignation or removal of any one of the aldermen, a majority of said board shall have power to fill such vacancy, under such rules and regulations as may be prescribed by the board, until the next general election; *provided*, such person shall be commissioned by the Governor. Said aldermen shall be entitled to such compensation as may be allowed them by the board; *provided*, in no case shall the same exceed two dollars per session for each day they may be required to sit as such aldermen.

SEC. 12. That the mayor be and he is hereby invested with all the power and criminal jurisdiction of a justice of the peace within the corporate limits of said town. Said mayor shall be entitled to such fees as are allowed justices of the peace for similar services, together with such other compensation as me be allowed by the board of aldermen.

SEC. 13. That the treasurer shall keep safely all the money of said corporation, shall pay out the same upon the order of the board and shall do such other duties as may be assigned by the by-laws. He shall give bond, with security, payable to the mayor and his successors in office, in such sum as may be deemed proper, conditioned for the faithful performance of his duties, to be approved by the board, said bond to be recorded in the office of the county clerk of Robertson county. Said treasurer shall be allowed such compensation as are allowed county treasurers.

SEC. 14. That there shall be elected by the board of aldermen a secretary, whose duty it shall be to keep correct minutes of the acts of said board in a well bound book or books, to be open at all reasonable times for the examination of any citizen during the same, and a legal voter in said corporation. Said secretary shall receive such compensation as may be allowed by the board.

SEC. 15. That this act, as amended, take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXIV.

AN ACT TO INCORPORATE THE TRINITY RIVER NAVIGATION COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That James D. Skinner, Thomas Peacock, J. C. Day, Chas. N. Eley, Joseph Richardson, W. B. Williams and A. C. Green, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of the Trinity River Navigation Company, and by the same name and style they, and their successors, shall be capable of suing and being sued, and maintaining any action to final judgment and execution; and shall be in law capable of purchasing, holding and improving and conveying any estate, real, personal or mixed, for the use of said corporation, with the power to ordain, establish and put in execution such by-laws and regulations as shall be necessary for the government thereof.

SEC. 2. That the object and business of the said corporation shall be the employment and running of a steamboat, or steamboats and barges, in the carrier and passenger trade between the city of Galveston and the town of Liberty, on the Trinity river, and to and from said city of Galveston, and to all, or such other points on said river as may be designated by said corporation, with full and complete power to perform any and every act, and make all contracts needful and proper for the successful prosecution of their business, and the execution of the powers herein granted.

SEC. 3. That said company may erect and build on any land or lands by them acquired, such buildings, structures, engines, machinery and fixtures as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

SEC. 4. That within six months from and after the passage of this act, said corporation shall organize said company by the election, by the stockholders thereof, (each stockholder being entitled to one vote for each and every share of stock by him held and owned,) of a board of directors to consist of seven members, stockholders of said corporation; and the said stockholders, at their first meeting, shall proceed to elect from among their number a president, vice president, secretary and treasurer, which said officers shall hold their said offices until the next annual election of said stockholders, at a time to be by them appointed at their principal office of business. And the said board of directors shall have power to fill all vacancies that may occur by death, resignation or otherwise; and in case of the

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failure to elect annually a new board, then the old board are authorized to hold their place, and transact the business of the said company until their successors are chosen.

SEC. 5. That the board of directors shall be convened at any time at the call of the president, who shall preside over their meetings.

SEC. 6. That the principal office of the said company shall be at the town of Liberty, in Liberty county.

SEC. 7. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXV.

AN ACT AUTHORIZING THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BRENHAM TO DISPOSE OF THE ALLEYS OF SAID CITY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the mayor and board of aldermen of the city of Brenham be and they are hereby authorized and empowered to dispose of any or all the alleys in said city, now the property thereof, in manner as hereinafter prescribed.

SEC. 2. That in ten days after the passage of an ordinance by the said board of aldermen, providing for the sale of said alleys, there may be selected four arbitrators, two by the mayor and two by the citizens, either at a public meeting convened for that purpose, or by common consent, which arbitrators shall choose an umpire, who, upon a tie, shall give the casting vote. The said arbitrators shall decide upon the value of each and every alley, or any part of an alley, which, for reasons hereinafter provided, it may be found necessary to sell in part, and shall, in writing, notify the mayor of their decision, who in turn shall, by publication for three consecutive weeks in a newspaper published in said city, announce the prices at which the same are to be sold.

SEC. 3. That any person who, prior to the passage of this act, has erected any building on, or has enclosed for business or domestic purposes any alley or part thereof, or through whose property or premises any alley or part thereof may run, shall have the right to purchase such alley or part thereof built on or enclosed by him or

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her, which traverses their property as aforesaid; *provided*, that if, within twenty days after the mayor has publicly offered the same for sale as aforesaid, the said party shall not have complied with the terms of sale as shall be prescribed by the ordinance provided for in section two of this act, then in that case any other party or parties whomsoever shall have the right to purchase and take possession of said alleys or parts thereof, upon complying with the said terms of sale.

SEC. 4. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXVI.

AN ACT TO INCORPORATE THE HOME INSURANCE AND TRUST COMPANY OF TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That R. D. Johnson, S. H. Gilman, A. Kory, S. K. Labatt, Selim Rinker, W. B. Sorley, Henry Pendleton, S. Heidenheimer, J. K. Speirs and S. W. Sydnor, of the county of Galveston and State of Texas, and their associates and successors be, and they are hereby, constituted a body corporate and politic, under the name and style of the "Home Insurance and Trust Company of Texas," and under said name may sue and be sued, plead and be impleaded, defend and be defended, in all courts whatsoever in this State, and may have and use a common seal.

SEC. 2. That the purposes and objects of this company are to make insurance on dwelling houses, stores and all kinds of buildings; upon household furniture, merchandise and other property, against loss or damage by fire, and the risks of inland transportation and navigation; to make insurance upon vessels, freights, goods, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interest, and to make all and every insurance appertaining to or connected with marine risks and risks of navigation and transportation; to make insurance on the lives of individuals, and every insurance appertaining thereto or connected therewith; and to grant, purchase and dispose of annuities; to make insurance upon the health of individuals, and against personal injury, disablement or death, resulting from traveling or general



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accidents by land or water; and for the more certain security, and more equitable benefits to be derived from such purposes and objects, said company purposes to establish agencies in any or every city, village or county in the State of Texas; every agency with its own local board of trustees, who shall have power and authority to loan the surplus funds of their respective agencies, on approved security, of its own locality, so as to give the insured the fullest benefits of the use of the fund to which they contribute, and by combining the liability of the principal and all agencies to pay any and all losses, while the collective risks may be very large, the local ones must be comparatively so small that the entire destruction of any city or village in the State of Texas shall not affect the solvency of said company.

SEC. 3. That the general office of said company shall be established in the county of Galveston; and in all suits against said corporation, service may be made either upon the president, secretary, or treasurer.

SEC. 4. That the capital stock of said company shall not exceed the sum of two million dollars, divided into shares of twenty-five dollars each, to be subscribed and paid in and the certificates therefor issued in such manner and upon such terms as the general board of directors shall elect.

SEC. 5. That said corporation shall enjoy succession for fifty years, by its corporate name, and shall possess all powers incident to corporations authorized by law. The business of the corporation shall be vested in and managed by a general board of directors of not less than seven nor more than fifteen in number, of whom the president for the time being shall be one; and the said general board of directors shall exercise all the powers of the corporators, and shall hold their sessions at the office of said corporation on the first Monday of every month. The president shall call special meetings of the board of directors by written notice to each one, stating the object of such meeting when requested to do so by written request of any two directors, stating the object of such meeting, and no other business but that so specified shall be legally transacted at such special meeting.

SEC. 6. That the board of general directors shall be elected from among such shareholders as hold twenty shares of the capital stock of said company, either in their own names or in the names of their wives or wards, and no person not possessing said qualifications shall be elected to or serve as a general director of said company. The qualified electors for said general directors shall consist of all persons who hold ten shares of the capital stock of said company; and for every ten shares held by any person, such person shall be en-

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titled to vote one vote at the annual election for general directors. Also, such persons as hold life policies from said company for the sum of five thousand dollars or more, shall be qualified thereby to cast one vote at the annual election for general directors, but no person not qualified as aforesaid shall be entitled to vote for general directors. In all elections for general directors votes may be given by proxy, but no person shall vote on any shares of stock transferred within sixty days prior to the election. Members of the board of general directors shall in all cases be eligible for re election.

SEC. 7. That there shall be an annual election for the board of general directors on the first Monday after the first day of January of each year, at the office of the corporation, from the hours of ten A. M. to two P. M., by four of the general directors, appointed by the board to preside at, and manage said election. Notice thereof shall be given by order of the president, in one or more daily papers, published in the county of Galveston, during three weeks prior thereto; and the general directors, thus elected, shall hold office one year, or until their successors are elected and qualified. In case of failure to elect the board of general directors, on the aforesaid regular day, then the president shall order another election fourteen days thereafter, due notice being given by advertisement in one daily paper one week prior thereto, and in case of a second failure, the old board of general directors shall serve another full term of one year, and until their successors are elected and qualified.

SEC. 8. That all elections of general directors shall be by ballot, and in all elections those persons receiving a plurality of votes of the qualified electors voting, shall be considered duly elected.

SEC. 9. That every vacancy in the board of general directors, caused by resignation, death, or otherwise, shall be filled by the board for the unexpired term of such vacancy. A quorum of five general directors, besides the presiding officer, shall be requisite for the legal transaction of any business of the corporation; *provided*, that, if from any cause whatever, the number of general directors shall be reduced to less than five, then, in that case, three shall constitute a legal quorum, to fill vacancies in their board only. The president shall have a vote on all questions, and, in case of a tie, shall have a casting vote.

SEC. 10. That the board of general directors shall at their first meeting elect a president, who shall be elected from among themselves, and shall hold office for the time that he was elected a director, and until his successor is elected. He shall preside at all meetings of the board, and conduct the business of the company generally, under their supervision. The board may also elect a vice president from among themselves, who shall serve for the time he

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was elected a director. In case of the absence of the president and vice president from a meeting of the board, they shall elect a president *pro tempore* to preside at such meeting. The board of general directors shall also elect a secretary and treasurer, and such other officers as the business of the company may require.

SEC. 11. That all of the general directors of said company shall be eligible to hold any office in the company, and any number of offices may be held by one person that the board may elect until the business of the company shall require one person for each office. All officers of said company whose term of office has not been hereinbefore defined shall hold office during good behavior and capacity to fill such office; *provided*, that a majority of the directors shall have power and authority at any time to remove any officer of the company for cause.

SEC. 12. That the general board of directors shall have the general care and oversight of the business and interests of the company, and may make by-laws for their own government and for the management and regulation of the business of the company, and for regulating all elections. They shall have power, subject to the provisions of this charter, to create departments and agencies of the company, and to enter into contracts with the same, and with the individuals comprising them, to appoint and commission trustees, and to make rules and regulations for the management of the business of the departments and districts, and for directing the operations of boards of trustees and of trustees and agents. They shall also have the control and management of the home department. Said board shall have power to elect its own officers, who shall be the officers of the company, and to appoint general managers of the departments, and to fix the compensation of such officers and managers, and to enter into contracts for the company with agents and employés, and at any time to remove from office and position as trustees all officers and trustees who shall be guilty of conduct calculated to injure the company, and to elect others in their places. They shall also provide for and direct the investment and reinvestment of the funds and safe keeping of the moneys and securities and other property of the company. Said board may also delegate such powers and authority and impose such duties in addition to those mentioned in this charter as they may deem advisable upon the officers of the company; and in general may do and perform all other acts and things needful and necessary to be done and performed by said general board of directors in carrying out the objects and purposes, and in advancing the interests of said company.

SEC. 13. That when two thousand shares of the capital stock of the company are subscribed and paid up, said company is hereby

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authorized to commence business by establishing an office in Galveston county and doing a general insurance business, as hereinbefore stated in section two; and to make contracts, issue policies, and do all other acts necssary in carrying on such a business; to charge and receive such premiums, commissions and compensations for the risks taken and the business done as the president and board of general directors may deem just; to loan money or bottomry and respondentia security at marine interest; to deal in bullion, stocks and public securities; to make loans on real estate, stocks and personal property; discount notes and acceptances; buy and sell bills of exchange; receive money on deposit, and to use its capital and funds in any other lawful manner.

SEC. 14. That said company shall have power to purchase real estate for its own purposes; to lease, mortgage, sell and convey, or to create any other form of lien upon the property of said company, real, personal or mixed, by a vote of the board of general directors, as herein provided, by deed, lease, mortgage, or any other instrument of writing in due form of law, signed by the president and secretary and attested by its seal.

SEC. 15. That said company is hereby authorized to establish agencies in any or in every county in this State, whenever one thousand shares of the capital stock of said company shall be subscribed for each or any one respective agency; said agency to be governed by its own local board of trustees, elected from among and by its stockholders, having the same qualifications as required for the board of general directors, and for their electors as hereinbefore specified in section six. Each agency board of trustees shall have authority to loan its surplus capital and funds to residents of its own district, on mortgage of improved real estate, to amount of one-third of its value; *provided*, that no loan shall be made on homestead property, nor on buildings not insured in some of the offices of this company; and to make such by-laws for their own government and business, as shall not conflict with this charter, or with such rules and regulations as shall, from time to time, be adopted by the general board of directors.

SEC. 16. That the entire property and assets of the principal, and all agencies, shall be alike liable for all losses incurred by each in every district. All policies shall issue from, and all losses be adjusted and paid, at the principal office in Galveston county, by advice of and concurrence with the local board of trustees of the district in which the loss occurs. On the first day of every month every board of trustees shall, through their proper officers, make a return to the secretary of the principal office in Galveston county, of the exact condition of their agency at that date, with a remittance

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of forty per centum of their gross receipts for the month previous; and should said forty per centum be, at any time, insufficient to meet losses and expenses, each agency shall pay such additional assessments as may be required by the board of general directors.

SEC. 17. That all assets, including the money, notes, bonds, mortgages, deeds of trust, and other securities of the company, shall be under the control of the general board of directors, and in custody of the treasurer, or of such other person or persons as the general board of directors may appoint.

SEC. 18. That semi-annually, on the first days of January and July of every year, the general board of directors shall make a statement of the exact condition of the company, inclusive of all agencies, which statement shall be sworn to by the president and secretary, and published not less than three times in two daily papers in Galveston, and in every locality where there is an agency, or in the nearest paper to each agency; and should such statement show a sufficient net surplus from the business of the previous six months, after placing such a sum to the reserve fund as the existing liabilities may demand, the board of general directors shall declare a dividend of all of such surplus as has been derived from fire and marine, and one-half of that derived from life risks, on the entire stock certificates issued; and the remaining one-half derived from life risks shall be divided equally on the life premiums paid up to the six months previous; *provided*, that no dividend shall be paid to the stockholders exceeding twenty per centum per annum.

SEC. 19. That all losses on fire and marine risks shall be paid out of premiums received for those risks, or out of the capital paid up; and that all losses on life risks shall be paid out of premiums received for such, or out of the capital paid up.

SEC. 20. That the corporators hereinbefore named in section 1, are hereby constituted the first board of general directors, to hold office until the annual election, as hereinbefore provided, on the first Monday after the first day of January, 1873.

SEC. 21. That as soon as practicable after the passage of this act the corporators hereinbefore named shall meet at some place in Galveston county, and organize said "Home Insurance and Trust Company of Texas," by the election of a president, vice president, secretary and treasurer; that the officers designated by the board shall then be empowered to open books for subscription to the capital stock of said company; that all certificates issued for the same shall be signed by the president and secretary, and attested by the seal of the company; and that when two thousand shares shall have been so subscribed and the amount paid up, said company may commence busi-

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ness as hereinbefore provided by section 13, and under the general provisions of this charter.

SEC. 22. That this act shall be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXVII.

AN ACT TO INCORPORATE THE ODD FELLOWS' HALL ASSOCIATION OF BRYAN, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That William McIntosh, J. W. Boyles, R. A. Blanford, Thomas McCarty, T. T. Smothers, H. S. Newland, H. T. Donnard, T. S. Snow, A. M. Dechman and John J. Kimbrough, and their associates and successors in office, be and they are hereby created and established a body corporate and politic under the name and style of the Odd Fellows' Hall Association, with capacity in said corporate name to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages and deeds of trust; to have succession and a common seal; to make by-laws for the government and regulation of its affairs; to sue and be sued, to plead and be impleaded; to declare dividends and make divisions of property; to loan its moneys to any person or persons in such way as it may think proper, and to do and perform all things as it may think necessary and proper for and incident to the fulfillment of its obligations and maintenance of its rights under this act, and consistent with the laws of this State; *provided*, that nothing in this act shall be so construed as to authorize this corporation to use its money or other effects in any manner which it may not be lawful for any citizen of the State to do.

SEC. 2. That the officers and managers of this association shall consist of seven directors to be elected by the shareholders, four of whom shall be resident members of the Independent Order of Odd Fellows of Bryan, Texas, and in good standing as such, and all of whom shall be elected by the said shareholders on a voting basis to be determined by the by-laws—one president, one vice president, one secretary and one treasurer, to be elected by the directors from among the said shareholders as provided by the by-laws of said as-

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sociation. Such officers shall receive such compensation for their services as the by-laws may provide, and their term of office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

SEC. 3. That the minimum capital stock shall be five thousand dollars, with the privilege of increasing the same to two hundred thousand dollars.

SEC. 4. That this association shall not own or possess at any one time real property in the State of Texas exceeding one million of dollars in value.

SEC. 5. That the capital stock of five thousand dollars shall be divided into five hundred shares of ten dollars each, payable in monthly instalments of one dollar per share per month; and no shareholder shall be required to make payment of instalment of his stock other than as herein required.

SEC. 6. That should any shareholder of the corporation fail, refuse or neglect to pay or cause to be paid his regular monthly instalments, his stock shall be forfeited to the association; *provided*, that by and with the consent of the directory, for good cause shown, such delinquent shall be allowed sixty days to redeem such stock thus forfeited, he or she paying interest thereon at the rate of one per centum per month on the amount so due.

SEC. 7. That in case any share or shares of stock should become forfeited, in accordance with the foregoing provisions, the board of directors shall dispose of the same in such manner as the by-laws may direct.

SEC. 8. That whenever five hundred shares shall have been subscribed, and one months' instalment paid in, the association shall be deemed organized, and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

SEC. 9. That service of any and all legal proceedings in any suit or proceeding against said corporation, shall be sufficient, if made upon the president or secretary of the board of directors, or if both shall be without the limits of this State, then such service shall be had by publication, as by law provided in such case.

SEC. 10. That this charter or act shall remain in full force and effect from and after the date of its passage, and for and during the period of ninety-nine years.

Approved December 1, 1871.

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## CHAPTER CXXVIII.

AN ACT TO INCORPORATE THE TOWN OF COMANCHE, IN COMANCHE COUNTY, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the citizens of the town of Comanche, Comanche county, be and they are hereby declared a body corporate and politic, under the name and style of the corporation of the town of Comanche, and by said corporate name shall have power of suing and being sued, pleading and being impleaded, and of holding and disposing of personal and real estate within the limits of said corporation.

SEC. 2. That the lines of said corporation shall run as follows, viz.: Beginning at a point on Indian creek, at the spring on the Ben Clark survey, near the residence of F. M. Brown; thence north to the northeast corner of the town donation tract; thence west to the east boundary line in the name of James D. Wright; thence south to Indian creek; thence east with the meanderings of said Indian creek to the beginning.

SEC. 3. That it shall be the duty of the citizens, qualified voters under the Constitution and laws of this State, who reside in the foregoing territory, to elect a mayor, four aldermen, a town marshal, and a recorder, and that said election shall be held within sixty days from and after the passage of this act, ten days' notice of election being given; that the presiding justice shall direct said election, appointing suitable citizens to act as judges, and shall give the notice required in this act; that annually, from the date of said election, the mayor shall give ten days' notice and order election of successors in office. In case of vacancy by death, resignation, or otherwise, the mayor and aldermen shall elect to fill such vacancy.

SEC. 4. That the recorder shall act as assessor and collector of corporation taxes in said corporation, and shall give such bond as may be required by the mayor and aldermen. The mayor and board of aldermen shall appoint one of their body to act as treasurer, who shall give such bond and be governed by such ordinances as may be enacted by said body; and shall pay out the funds of said corporation on the order of the mayor, approved by a majority of the aldermen.

SEC. 5. That all qualified voters, under the Constitution and laws of the State, shall be allowed to vote in the election of officers for said corporation, and that no one shall be eligible to the office of

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mayor, aldermen, marshal or recorder unless he is a citizen of the corporation, and entitled to vote under the Constitution and laws of this State.

SEC. 6. That it shall be duty of the mayor and aldermen to pass ordinances, not inconsistent with the Constitution and laws of this State, for the regulation of the police, and the preservation of order and law within the corporate limits of said town; for removing nuisances; keeping the streets in order, and for the protection of the lives, health, peace, and property of the citizens in said corporation, and to prescribe penalties for the violation of said ordinances.

SEC. 7. That by a two-thirds vote of said corporate authorities, they shall have the right to levy and collect a corporation tax, which shall not exceed one-half of the State tax, according to valuation of property, and when a meeting of said corporate authorities is called for this purpose, it shall be so stated in the notice. Said corporate authorities shall have the right to establish schools in the corporation, and for this purpose may levy and collect a tax not to exceed one-half of the State tax on all circuses, shows, exhibitions of legerdemain, or other public exhibitions occurring in said corporation, where the parties charge for admittance into the same—save and except such as may be for charitable purposes. If deemed necessary, the corporate authorities may appropriate, by a two-thirds vote, the funds arising under the latter clause of this section for city purposes.

SEC. 8. That said corporation is empowered to pass all needful rules and regulations; *provided*, they are not inconsistent with the Constitution and laws of this State; and in cases of riots or disturbances of the peace shall have the right to summon and call out such posse as may be necessary to preserve order. The mayor of said corporation shall have such jurisdiction and exercise such powers in criminal matters as may be provided by law.

SEC. 9. That the mayor, aldermen, recorder and marshal shall receive such fees of office as may be provided by the city council.

SEC. 10. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXIX.

AN ACT TO INCORPORATE THE NORTHWESTERN TEXAS LAND COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. A. McNeil, James D. Martin, W. G. Brockett and A. H. H. Toler, of the county of Erath, and their associates and successors, be and the same are hereby constituted a body politic and corporate, under the name and style of the Northwestern Texas Land Company, and by that name shall have succession, and may sue and be sued; plead and be impleaded; have and use a corporate seal, and hold property real, personal and mixed; may contract and be contracted with; and make all rules and by-laws that may be deemed necessary for the government of said company; and have and exercise all the rights and powers generally incident to such corporations in the State of Texas.

SEC. 2. That the said company shall have the right to buy and sell land; to locate land certificates, and to perfect titles; to pay taxes for non-residents; and to enable them the better to carry into effect the provisions of this act, the said corporation shall have the right to receive money on deposit; to buy and sell, draw or negotiate bills of exchange or other securities.

SEC. 3. That the president and directors of said corporation shall have full power to pass such by-laws as may be deemed necessary to carry this act into effect; to delegate authority to such officer or agent as they may think proper, and to execute or authorize the execution of all such bargains and contracts as to them may seem for the best interest of the corporation. And it is provided that a majority of the board of directors shall constitute a quorum for the transaction of business.

SEC. 4. That this charter shall continue for thirty years, and this corporation shall be responsible to the extent of its property both real and personal, and the company shall be subject to such rules and rates of taxation as are by law imposed upon individuals engaged in like pursuits.

SEC. 5. That the capital stock of the company shall not exceed one hundred thousand dollars.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXX.

AN ACT TO INCORPORATE THE BRYAN MANUFACTURING COMPANY OF TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That Geo. D. Haswell, S. D. Conger, Frank Clarke, and their associates and successors, be, and they are hereby created a body corporate and politic, under the name and style of the Bryan Manufacturing Company, and in their corporate name and capacity to own, build, purchase and erect buildings and machinery of all kinds, necessary for manufacturing purposes, incident to their legitimate business, as a cotton seed and palma christi oil manufacturing company, and to own, receive and purchase any real or personal estate necessary for the erection of buildings etc., for the manufacture of cotton seed and palma christi oil, oil cake, or other uses for which cotton and palma christi seeds may be used; to make contracts; to have succession and a common seal; establish by-laws for their government, and in their corporate name to sue and be sued, plead and be impleaded; to grant and receive, and to do all and any such acts and things as may be necessary and proper for the performance of the objects of the corporation, and the maintenance of their rights under this act, and as may not be inconsistent with this act, and the Constitution and laws of the United States and of this State.

SEC. 2. That the capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one thousand dollars each, which said shares shall be deemed personal property, and the holders thereof to constitute the said company. Said stock shall be transferable in such manner as may be provided by the by-laws of said company.

SEC. 3. That the business of said company shall be vested in a board of directors, to be elected by the stockholders annually, of not less than three, nor more than seven, one of whom shall be, by said board of directors or managers, elected president. Until further organized, Geo. D. Haswell shall be the first president, and shall call a meeting of the stockholders at such time and place as he may deem proper, for the further organization of the company.

SEC. 4. That the board of directors may elect such other officers as they may deem necessary, and give them such powers and duties as they may deem necessary; *provided*, that no person shall be a director unless he be a stockholder in said company; *and provided, further*, that the powers and duties of such officers shall not

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be inconsistent with this act. A majority of the board of directors shall constitute a quorum to do business.

SEC. 5. That said corporation shall be entitled to any bonus, loan, or exemption from taxation or other benefit granted to any individual or corporation for similar purposes by any general law of the State of Texas now in force, or that may be hereafter enacted.

SEC. 6. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXXI.

AN ACT TO AUTHORIZE DAVID COLLEY, HIS ASSOCIATES AND SUCCESSORS TO CONSTRUCT, OWN AND KEEP A TOLL BRIDGE ON WHITE OAK BAYOU, IN TITUS COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That David Colley, and such persons as he may associate with him, and their successors, be and they are hereby authorized and empowered to construct, own and keep a toll bridge over and across the stream known as White Oak bayou, in the county of Titus, at the crossing known as Dabb's bridge crossing, on said stream, on the road leading from Paris, Lamar county, to Mount Pleasant, in Titus county.

SEC. 2. That said Colley, his associates and successors, shall be required, in order to be entitled to the privileges herein granted, to have a good, substantial and safe bridge above high water mark, completed and in condition for crossing wagons, stock and persons, within the space of six months from the passage of this act; and in addition thereto, shall be required to keep the main road through the bottom, adjacent to said stream, in such condition as will allow the passage of wagons when the same is not overflowed.

SEC. 3. That when said bridge is complete, said Colley, his associates and successors, shall be authorized to demand, receive and collect the following tolls, viz.: For every wagon drawn by four or six horses or more, or oxen, or more, sixty cents; for every wagon or other vehicle drawn by two horses or oxen, forty cents; for every wagon or other vehicle drawn by one horse or ox, twenty-five cents; for every man and horse, ten cents; for horses or cattle, per head, five cents; for hogs or sheep, per head, three cents.

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SEC. 4. That this act shall take effect from and after its passage and continue in force for twenty-five years.

Approved December 1, 1871.

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## CHAPTER CXXXII.

AN ACT TO INCORPORATE THE PECOS IRRIGATING, MANUFACTURING AND LIVE STOCK COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That James Speed, J. S. Magee, S. W. Hunter, J. J. McGehee, Geo. Sayers Wicks, Joseph H. Richards, L. M. Lacy and W. J. Locke, and their associates, successors and assigns, be, and are hereby, created a body politic and corporate, under the name and style of the "Pecos Irrigating, Manufacturing and Live Stock Company," with succession for ninety-nine years, and a common seal, having capacity to sue and be sued, plead and be impleaded, to make contracts, buy, hold, sell and convey real, personal and mixed property; to make and enforce by-laws, rules and regulations for its government, and generally to do and perform all such acts not inconsistent with the Constitution and laws of the State of Texas, and of the United States, as may be necessary to carry out the objects of this charter.

SEC. 2. That said company shall have the right to make canals, ditches, aqueducts, dams, and all other improvements necessary to the irrigation of the valley of the river Pecos, between the thirty-first and thirty-second parallels, of north latitude, and the tributaries of said river, within said boundary, with full power to construct, own and maintain reservoirs and tanks, for the purposes of propelling machinery for mills, cotton and woolen factories, and other manufacturing establishments, for the subsistence of stock, and for farming purposes.

SEC. 3. That the capital stock of said company shall be three hundred thousand dollars, with power to increase the same to three millions, and shall be divided into shares of one hundred dollars each, each share entitled to one vote, in person or by written proxy.

SEC. 4. That the officers of said company shall consist of not less than five nor more than eleven directors, one of whom shall be elected president of the company, and a secretary and treasurer, who shall be elected by the board of directors; and the treasurer

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shall give bond to the board of directors, in such sum as they may designate, for the faithful performance of his duties.

SEC. 5. That the persons named as incorporators in the first section of this act, or any five of them, are hereby authorized to temporarily organize the company, and may open books for subscriptions to the capital stock, at such times and places as they may see fit, and when the capital stock shall have been taken, and the per centage, determined on by the board of directors, has been paid in, they shall call a meeting of the stockholders; *provided*, that the permanent organization of said company shall be completed on or before the first day of January, A. D. 1873; *and provided further*, that said company shall commence work, in accordance with the provisions of this act, within one year from the date of the permanent organization thereof, and, in case of failure so to do, this act shall become void, and of no effect.

SEC. 6. That said company is authorized to introduce emigrants, heads of families, and single men, to be settled upon any lands owned or leased by said company, and any contracts for said emigration, should any question arise, either on the part of said company, or the emigrants, shall be adjudicated and enforced as other contracts, by the proper tribunals of this State.

SEC. 7. That for the purpose of constructing said canals, ditches, aqueducts, dams, reservoirs, tanks, mills and factories, said company shall have the right to make preliminary surveys to determine the location of the same, over any lands whatsoever, and shall have the right of way over any lands whatever, to a width of two hundred feet, for canals, ditches and aqueducts, and such other land as may be necessary for the other purposes of this charter, said right of way, and the possession of all lands for the purposes herein mentioned, to be obtained according to the laws of the State, regulating the right of way and possession of lands, in cases of railroads and other works of internal improvements.

SEC. 8. That the principal office of said company shall be located at San Antonio.

SEC. 9. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXXIII.

AN ACT TO INCORPORATE THE YOUNG MEN'S IRISH BENEVOLENT AND LITERARY ASSOCIATION OF GALVESTON, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That George Fox, Leslie Thompson, junior, James J. Murphy, J. M. Harrison, Christopher Fox, junior, John Pemy, Michael Hargrave, P. D. Hickey, Patrick Dougherty, Michael Nolan, James E. Gallagher, Patrick Welsh, Bernard Curry, John Bywaters, John Thornton and James Coyle, together with such persons as they may elect as their associates and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the Young Men's Irish Benevolent and Literary Association of Galveston, Texas, and by that name they may sue and be sued, plead and be impleaded, prosecute and defend in any of the courts of the State; may contract and be contracted with; may have a common seal, and the same may make, break or alter at pleasure; may acquire, have and hold property and estate, real, personal or mixed, by gift, devise, purchase or bequest (not to exceed in value at any one time one hundred thousand dollars), and the same to buy, sell, exchange, mortgage, transfer, pledge, or otherwise encumber or alienate, as said association may deem expedient; and in general to manage and control in such manner as said association may think proper.

SEC. 2. That said association shall make a constitution and by-laws for its government, and shall have power to alter or amend the same at pleasure; and to pass such laws, by-laws and regulations as may be necessary to carry out and effectuate the intentions and purposes of said association; and shall in general have and exercise all such rights, privileges and immunities as are by law and custom incident to and necessary for corporations of a similar character.

SEC. 3. That this association, by the name and style aforesaid, is created for the mutual improvement of the members thereof in virtue, good morals, literature, sciences, arts and general knowledge, for benevolent and charitable purposes, that proper aid and relief may be extended to the sick, destitute and disabled members thereof, their widows and orphans, and the better and more efficiently to aid, succor and relieve those Irish immigrants who seek to make their homes in Texas, and who stand in need of such aid, succor and relief.

SEC. 4. That the officers of said association shall consist of one

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president, two vice presidents, one recording secretary, one corresponding secretary and one treasurer, who shall hold their offices for one year from their election, or until their successors shall be duly elected and qualified. The qualifications, duties, mode and manner of election of said officers shall be prescribed by the constitution and by-laws of said association.

SEC. 5. That within thirty days after the approval of this act by the Governor, the above named incorporators shall meet, and proceed by ballot to elect officers, whose terms of office shall begin the day of their election, and shall expire on the seventeenth day of March, 1873. That the next election of officers after the first election prescribed above, shall take place on the seventeenth day of March, A. D. 1873, and annually thereafter on every seventeenth day of March. That whenever a vacancy shall occur in any of the above specified offices, by death, resignation or removal, the vacancy shall be filled by special election, at such times as the said association may determine.

SEC. 6. That this shall continue and be in force, unless it be renewed or extended, for fifty years from and after its appoval by the Governor.

Approved December 1, 1871.

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## CHAPTER CXXXIV.

### AN ACT TO INCORPORATE THE TYLER TAP RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. H. Brown, A. W. Ferguson, S. H. Boren, E. F. Shackelford, R. B. Hubbard, W. W. Grinnan, W. H. Cousin, Peter Marsh, S. L. Earle, John M. Wiggins, Harvey Yarbrough, G. W. Whitmore, R. K. Gaston, Z. Norton, Joshua Starr, A. A. Holt, W. J. Goodman, J. F. Rasbury, William Green, E. P. Jarvis, J. J. Flinn, O. Loftin, M. Wood, J. F. Overton, Thomos A. Flewellen, Jo. P. Douglas, J. S. O. Brooks, J. W. Ashcraft, George Adams, George Yarbrough, H. V. Hamilton, B. K. Smith, Thomas Smith, W. H. Park, F. W. Holland, W. C. Scott, J. G. Woldert, Willis Roberts, S. D. Gibbs, F. A. Gary, T. W. Jones, F. A. Godly, Ed. Sharp, A. J. Swann, W. S. Herndon, J. C. Robertson, G. M. Johnson, W. G. Cain, A. Niblack, J. W. Butler, Thomas J. Jennings, F. M. Hays, T. Albertson, M. L. Fleishel, E. H. Wells, Thomas G.



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Erwin, S. T. Newton, B. G. Duval, John L. Henry, J. W. Wooten, W. B. Funderbury, J. M. Patterson and B. N. Boren, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the Tyler Tap Railroad Company.

SEC. 2. That a majority of said commissioners shall constitute a board for the transaction of business, and said commissioners shall hold meetings from time to time until directors shall be elected and enter upon the duties of their office, as hereinafter provided.

SEC. 3. Said board of commissioners shall, at their first meeting, appoint an executive committee, to consist of five members of their body, and a competent clerk, who shall, when said board is not in session, transact such business as may be directed by the board, which the board itself could transact.

SEC. 4. That at the time of subscription to the stock of said company five per centum of the amount subscribed shall be paid in on such share subscribed for, unless otherwise provided by said commissioners or the directors of said company.

SEC. 5. Subscriptions of shares in the capital stock of said company may, at the discretion of said directors, be received on stipulation to be paid for in land, or labor or materials for the construction of said road, or the accompanying telegraph line, under such regulations as they may prescribe.

SEC. 6. That the subscribers to the capital stock of said company are hereby constituted and created a body corporate and politic, under the name and style of the Tyler Tap Railroad Company, with capacity to contract, to sue and be sued, to plead and be impleaded, to have succession and a common seal; to grant and receive; to purchase or receive, by donation or subscriptions of their stock, real estate, and to hold or to sell and convey the same, or lease, or otherwise dispose thereof, within the scope and object of their creation; to make and enforce by-laws; and to do and perform all things necessary and proper to effect the object of their creation, and to maintain their rights under this act.

SEC. 7. The capital stock of this company shall be one million of dollars, divided into shares of fifty dollars each, each share to entitle its holder and owner to one vote in each and every meeting of the stockholders of said company and at each election by the same; and a majority of the stock shall govern, except in matters otherwise legally regulated. The said shares of stock shall be deemed personal property, and shall be transferable, but only on the books of the company.

SEC. 8. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven nor more

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than nine directors, to be chosen by the stockholders at annual meetings, the first of which shall be held, after reasonable public notice of the time of holding it, given by said commissioners, in the town of Tyler, in the county of Smith, whenever twenty-five thousand dollars of said capital stock shall have been subscribed for.

SEC. 9. A majority of said directors shall constitute a quorum to do business; and at their first meeting they shall elect one of their number president, and another vice president of said board of directors. Said board shall appoint a secretary and treasurer and other requisite officers and agents to carry on the work and business of said company.

SEC. 10. The said company, when duly organized, shall be and is hereby invested with the right of locating, constructing, owning, operating and maintaining a continuous line of railway, with a single or double track, as well as telegraph line, from the said town of Tyler to such point, not exceeding forty miles from said town of Tyler, on either the Southern Pacific Railroad, the Houston and Great Northern Railroad, or the International Railroad, as the directors of this company may select for intersection by the tap road hereby authorized to be constructed, together with such turnouts, branches and sidings or switches as this company may deem it their interest to construct.

SEC. 11. Any agreement in writing to subscribe for stock in this company may be enforced as other valid contracts, according to its terms; and unless payment be made according to its terms, the said directors, after thirty days' due notice, may sell said delinquent stock, and transfer the same to the purchaser thereof.

SEC. 12. The State of Texas hereby grants to said company the right of way, to the extent of two hundred feet in width, over all lands in the State belonging to her, along the line of its railroad, for the tracks thereof, and the use of such amount of said lands as may be actually necessary for sidings, turnouts, depots, station houses and machine shops, and for the location and maintenance of wells, water tanks, and other necessary buildings incidental to its uses and purposes in the construction and operation of said railway; also, the right to take from all lands belonging to the State, within five miles of the located line of said road, such timber, rock, earth and other materials as may be needed for the construction and operation of its railroad; also, the right to cross and bridge all rivers and water courses, without regard to their navigation, and to construct, operate and maintain ferries along the line of said railroad and telegraph.

SEC. 13. It shall be lawful for said company to enter upon, purchase or otherwise receive, take or obtain, and hold any lands

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necessary for the purpose of locating, constructing and maintaining said railway and telegraph line, by complying with the provisions of the general laws of this State.

SEC. 14. Said company shall have the right to cross all public highways and all railways, that it may be necessary to cross, in establishing their said railroad.

SEC. 15. Said company shall have power to borrow money, issue bonds or other bills of credit, with or without mortgage; *provided*, the same is authorized by a vote of two-thirds of the directors, sanctioned by stockholders representing a majority of the stock of the company, at an annual or called meeting, and if at the latter, after thirty days' notice thereof; and generally this company shall have all power requisite to carry into effect its herein declared objects.

SEC. 16. The annual meetings of the stockholders of this company shall be held at their principal office in said town of Tyler on the first Tuesday in December, in each and every year, at each of which meetings the stockholders shall proceed to elect the directors, who shall hold ther office for one year or until the election and qualification of their successors. No person shall be one of said directors who is not the owner of at least ten shares of the capital stock of said company while holding said office of director.

SEC. 17. The said railway shall be constructed of a width of gauge not exceeding that of the railway which this company may elect to tap, and not less than twenty-four inches. Said railroad shall be substantially built and fully equipped for passengers travel and for the carrying of freight.

SEC. 18. This charter shall remain in force for the period of ninety-nine years from the date of the completion of the said railway; and this company shall be entitled to receive such advantages, loans or other assistance as the State may by any general law grant to other railway companies or any of them.

SEC. 19. This company shall have the power to charge and collect such rates of freight and passage as the company may deem just and proper; *provided, however*, such charges do not exceed the charges legally established on other Texas railroads.

SEC. 20. This company shall select its point of intersection of the railroad it may elect to tap. Whenever the railroad so to be tapped shall arrive at a place at which this company may determine to join it with the said tap railroad; and this company shall, within twelve months thereafter, locate its road and commence the work of its construction, and shall complete said work and equip said road and put it in good running order, within three years from the time of the location of said tap railroad.

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SEC. 21. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

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## CHAPTER CXXXV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE EASTERN TEXAS RAILROAD COMPANY, APPROVED JANUARY 10, 1860.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That section two of the above entitled act shall be so amended as to read as follows: "Sec. 2. That said company be and is hereby invested with the right of locating, constructing, owning and maintaining a railway and telegraph line, commencing at some convenient point on Sabine Pass, in the county of Jefferson, and thence running along the line of the road graded by John Stamps, Charles H. Alexander and Samuel H. Witmer, or which may be graded up to the time of the organization of said corporation or body politic, under the subsequent provisions of this act, thence in a northerly direction east of the Trinity river by such line and such course as the company may determine, to some suitable point in the county of Grayson, the said line to run through the counties of Jefferson, Hardin, Tyler, Angelina, Nacogdoches, Rusk and Smith, and through or within one-half mile of the towns of Woodville, Nacogdoches, Henderson and Tyler, by such course and line as the company may deem most advisable for the interest of the company and speedy completion of the line of railroad."

SEC. 2. That section six of said act be so amended as to read as follows: "Sec. 6. That the affairs and business of said company shall be conducted and managed by a board of directors, not less than five nor more than nine in number, who shall be elected at the general meeting of the stockholders, to be held annually. They shall hold their offices for the period of twelve months, and until their successors are elected. The time for the first election shall be appointed by the commissioners named in this act, thirty days' notice of which shall be given; and should the stockholders fail annually thereafter to meet and elect directors as aforesaid, the directors in office shall appoint a day for a special election giving like notice. No person shall be eligible as a director, unless

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he be the owner of ten shares of the capital stock. The said board shall elect a president from their number, fill vacancies, appoint a treasurer and secretary, and such officers as they may deem necessary, and require security for the faithful performance of their duties; also, prescribe the time for the payment of instalments or assessments upon the stock, and the amount of such instalments or assessments, and to do, or cause to be done, all other acts or things which they may deem necessary or proper in conducting the business of said company, not in contravention of this act nor of the Constitution and laws of this State. A majority of said board of directors shall constitute a board for transacting business. Instruments or contracts in writing authorized by the company shall be signed by the president and countersigned by the secretary, with the seal of the company affixed; and the order or resolution of the board of directors, authorizing the instrument or contract in writing, shall be inserted in said instrument or contract. Such instrument or contract shall not be inconsistent with the general railroad law now existing or that may hereafter exist. That said company shall be bound by the parol contract made by their authorized agents, acting within the scope of the authority conferred by resolution of the stockholders or directors."

Approved December 1, 1871.

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## CHAPTER CXXXVI.

AN ACT TO INCORPORATE THE MARION COUNTY BAYOU NAVIGATION COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. W. Johnson, W. G. Robinson, J. K. Lawrence, J. A. McMillan, M. Marsh and C. M. Campbell, together with such other persons, corporations and companies as may be associated with them, and their successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of the Marion County Bayou Navigation Company, with full capacity under said corporate name to make contracts, to sue and be sued, to plead and be impleaded, to have succession, to have and use a common seal, to make and alter by-laws, to hold real estate and personal property, to take grants and gifts, and generally to do and perform all things necessary and proper to be done to carry into effect the ob-

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jects of this incorporation, and the rights, privileges and immunities accruing under this act, not inconsistent with the laws of this State or of the United States.

SEC. 2. That the capital stock of said company shall consist of one thousand shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote, either by himself or by written proxy, at any general meeting of the stockholders. Said shares shall be deemed as personal property, and may be transferred, under such rules as may be prescribed by the directors; *provided*, that all such transfers shall be recorded by the secretary in a book to be kept for that purpose.

SEC. 3. That the government and direction of the affairs of said company shall be vested in a board of five directors, and they shall elect one of their number president, who shall hold his office for the term of one year from the date of his election, or until a successor is duly elected. The first named corporators in this act shall constitute the first board of directors, who shall hold office for one year, until their successors are duly elected by the stockholders, at a regular meeting held for that purpose; and the first general meeting shall be holden at the city of Jefferson, in Marion county, Texas, in one year from and after the passage of this act. The directors shall have power to appoint a secretary and a treasurer, and said treasurer shall give such bond for the faithful performance of the duties of his office as may be prescribed by the board of directors. The board of directors may appoint such other officers and agents as may be necessary and common to private corporations. All contracts made by said company shall be signed by the president and countersigned by the secretary, and bear the impression of the seal of the company. No person shall be eligible as a director who does not own at least ten shares of the capital stock of said company; and at any general election by the stockholders, no person shall be declared elected a director unless he shall have received a majority of all the votes cast. It shall be the duty of the board of directors to frame the by-laws of said company. Should any vacancy occur, by death or resignation, in the board of directors, the president by the secretary may convene a special meeting of the stockholders to elect a member to fill the vacancy for the unexpired term. The stockholders shall hold one general meeting every year, and the time of such general meeting shall be fixed in the by-laws.

SEC. 4. That said company shall, within six years from and after the passage of this act, remove the trees, stumps, logs, and other impediments to the navigation of Big Cypress Bayou, beginning at the city of Jefferson, Marion county, Texas, where Marshall

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street, in said city intersects the said bayou, and as near as practicable following the channel of said stream towards its source, and secure the safe navigation of said stream, by the use of dredge boats and other necessary machinery. The said company shall keep their principal office at the city of Jefferson, in Marion county, Texas.

SEC. 5. That it shall be the duty of the Governor of Texas, upon notification by the president of said company that said bayou has been sufficiently cleared of obstructions so as to be safely navigable to ordinary steamboats, to appoint a competent engineer to examine said bayou of obstructions to navigation be done in accordance with the provisions of this act, the said engineer shall certify the facts to the Governor, and the Governor shall thereupon issue his certificates to said company, authorizing the said company to assess and collect the following rates of toll on all freights transported on said stream, to-wit: ten per cent. on each freight bill of all freights passing from above Jefferson through said stream to Jefferson, and a like per cent. on freight bills from Jefferson up said stream.

SEC. 6. That said company binds itself to keep said bayou sufficiently clear of obstructions to safe navigation for the space of thirty-five years, from and after the passage of this act, in consideration of the collection of the above mentioned tolls; and said company shall have the right to cut down and remove all trees or timber, which by falling into said stream, may hinder the safe navigation thereof.

SEC. 7. That this charter, and all the rights and privileges herein granted, shall continue and remain in full force for the period of thirty-five years, from and after its passage and approval; *provided, however*, that the same is not forfeited by the proper legal action had in the district court, for non-compliance, on the part of said company, with the requirements of this act,

SEC. 8. That the said company, in order that they may be fully enabled to effect and complete the proposed improvement for the navigation of said bayou, be, and they are hereby authorized, to issue their bonds in an amount not to exceed one hundred thousand dollars, and place them upon the market; *provided*, that said bonds shall be redeemable not more than five years from the date of their issuance, and shall be a first mortgage lien upon the rights, franchises and property of said company. Said bonds shall be signed by the president, and countersigned and registered by the secretary of the company, and shall bear the impression of the seal of the company.

SEC. 9. This act to take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CXXXVII.

AN ACT TO INCORPORATE THE HOUSTON COOPERAGE AND MANUFACTURING COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That John W. McDonald, Charles G. Mair, Frank H. Bailey, and their associates, be a body corporate and politic, under the name and style of the Houston Cooperage and Manufacturing Company, with authority, in said corporate name and capacity, to contract; to sue and be sued; to plead and be impleaded; to acquire real and personal property, by gift or purchase, and to sell, grant, mortgage or alienate the same, and to make by-laws for their own government; which by-laws may be altered or amended, from time to time, as may be deemed expedient, and for the promotion and carrying out the objects contemplated in this charter.

SEC. 2. *Be it further enacted*, That the foresaid company, in their corporate name, shall be authorized to manufacture hogsheads, barrels, kegs, tubs, buckets, and various articles made of wood or iron, the may desire to manufacture.

SEC. 3. *Be it further enacted*, That said company shall have the right to own such houses, lands, machinery, and all other articles and property of whatsoever kind, necessary for or incidental to the working of their manufactory.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, exclusive of its franchises and rights to property, divided into shares of one hundred dollars each; each share to entitle the owner thereof to one vote, either in person or proxy, in all meetings of the company. Said shares of capital stock shall be deemed personal property, and shall be transferable under such rules and regulations as may be provided for in the by-laws of the company.

SEC. 5. *Be it further enacted*, That for the purposes of organization and commencement of the enterprise, the corporators named in the first section, and their associate corporators named in seventh section of this act or charter, shall constitute the first board of directors to serve for one year, and to remain in office until their successors are duly elected and qualified. The board of directors shall choose from their own number, at their first meeting, a president, and such other officers as may be prescribed in the by-laws. Nevertheless, the board of directors shall have authority to dispose of the shares in its capital stock in such a manner and on such terms

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as they may deem most conducive to the interest of the company and the fulfilment of the objects of this act; and shall be furthermore authorized to commence operations whenever one hundred shares shall have been taken, and such per centage paid thereon as may be prescribed in the by-laws.

SEC. 6. *Be it further enacted*, That the capital stock of said company may be increased to two hundred thousand dollars when deemed expedient for the welfare of the company, by two-thirds of the board of directors, sanctioned by a majority of the stockholders.

SEC. 7. *Be it further enacted*, That Robt. O. Love, Henry E. Perkins are hereby added and created the associate corporators with those named in section first, with the same duties, powers and rights as those mentioned in this act.

SEC. 8. *Be it further enacted*, That this act take effect from and after this passage and continue in full force and effect for the period of fifty years.

Approved December 2, 1871.

## CHAPTER CXXXVIII.

AN ACT TO RELEASE JAMES RODGERS FROM PAYING STATE AND COUNTY, OR CITY OCCUPATION TAX, ON THE SALE OF GOODS, CONFECTIONERIES AND GROCERIES, IN THE STATE OF TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That James Rodgers be, and he is hereby, authorized to sell, barter and trade in goods, confectioneries and groceries, (spirituous liquors not included,) in person, and not otherwise, anywhere in the State of Texas, free of any State, county or city occupation tax.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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# CHAPTER CXXXIX.

AN ACT TO INCORPORATE THE SOUTHWESTERN EXPRESS AND TRANSPORTATION COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That A. J. Burke, E. H. Cushing, T. F. White, T. W. Elson, I. M. Orsborne, L. H. Denson and W. J. Saunders, of Texas, and G. A. Hayward, of St. Louis, Mo., and their associates, successors and assigns, be and they are hereby declared to be a body corporate and politic, under the name of the Southwestern Express and Transportation Company.

SEC. 2. The legal domicile of the corporation shall be in such place in the State of Texas as the directors of the company shall designate at their first meeting after the organization.

SEC. 3. The object of said company is declared to be express and transportation business; to establish express and transportation routes; to own steam and other vessels; also, cars, wagons and other vehicles used for express and transportation business; to run its own cars over all railroads, subject to existing laws and to the terms of contract with any railroad company; to make contracts to forward by railroad, steamboats and other rapid routes of conveyance, by sea or land, bank notes, coin, valuables of every description, all kinds of merchandise, and all kinds of personal and movable property; to draw bills of exchange; to make collections of money, drafts, notes, and all other species of debts, claims and demands, and to insure all articles of all kinds sent by their express or transportation; and generally to transact all business, direct and incidental, connected with the transportation business.

SEC. 4. That the corporation shall have and use a common seal.

SEC. 5. That this corporation shall have all the privileges and immunities of bodies corporate under the laws of the State of Texas, and shall have power to sue and be sued; to acquire by grant, donation or purchase, and to use, occupy and sell, bargain, lease and convey all kinds of property, real and personal, necessary and convenient to operate, use or maintain its business; to make by-laws for the government of the corporation and its officers and affairs, not contrary to the laws of the State of Texas, or of the United States, or of this act. The president shall be the proper officer upon whom may be served citations, notices and other legal process against the company.

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SEC. 6. That this charter shall continue in force for twenty-five years, unless sooner dissolved in a manner hereinafter provided.

SEC. 7. That all the corporate powers of this corporation shall be vested in and exercised by a board of directors, and such officers as they create. The board of directors shall consist of not less than five or more than nine members of said company, to be elected by ballot, on the third Monday in May in each year, under such rules as the by-laws of said company may prescribe, of which election fifteen days' notice shall be given by advertisement in at least one daily newspaper published in the city of Houston. At all elections of the directors by the stockholders, a majority of all the votes cast shall be required for the election of a director, each share of stock to be entitled to one vote, either by the owner thereof or by proxy; and if from any cause the stockholders fail to elect such directors, the old board shall continue until their successors are elected. Any action of three-fourths of the stockholders shall be binding on all the stock.

SEC. 8. That the board of directors, at their first meeting, shall elect from their number a president, who shall hold his office until his successor is elected. He shall preside at all meetings of the board of directors, and shall conduct the business of the company generally, under the supervision of the board of directors; and in case of his absence or inability to act, a president *pro tempore* may be appointed by the board. The president shall sign all contracts and other papers, but when necessary, may act through agents appointed by him with the consent of the board of directors The board shall have full power to fill all vacancies that may occur in their body, and to appoint a secretary and treasurer, all agents, clerks and other employés, and to remove them at pleasure; and they may delegate this power to the president, subject to their supervision. They shall fix salaries of all officers and employés of the company, and may authorize the president to do so; and may also delegate such power for the transaction of the ordinary business of the company as they may deem expedient; and shall have full power to do all other acts which may be necessary for carrying into effect the purposes of the company.

SEC. 9. That this company may commence business as soon as forty thousand dollars shall have been subscribed to its capital stock. The capital stock shall be one hundred thousand dollars, divided into shares of one hundred dollars each, five per cent. of which shall be paid at the time of subscribing, and other instalments as they may be called by the board of directors. The company shall have power to increase its capital stock to any sum not exceeding five hundred thousand dollars, said increase in any amount not to be made unless

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by consent of three-fourths of the issued stock. If any stockholder refuse or neglect to pay the instalments within thirty days after the specified time of payment, the board of directors shall have the right of causing any share upon which any instalment may be due to be sold at public auction, after ten days' notice thereof through any daily newspaper published in the city of Houston.

SEC. 10. That this company shall have the right to sell at public auction any unclaimed freight or freights, or having been refused by the consignees, after having held same for four months, and having given notice in at least one daily newspaper published in Houston, at least twenty days before date of such sale, and to sell for account of whom it may concern, any unclaimed perishable freight within twenty-four hours after its receipt.

SEC. 11. All transfers of stock or issuance thereof shall be under such regulations as the board of directors may prescribe; minutes of the action of the board of directors shall be kept by the secretary and verified by the president. The president and secretary shall sign all certificates, bonds, drafts, notes and checks.

SEC. 12. No stockholder shall be liable or responsible for contracts or faults of the company in any amount exceeding the amount of his stock in the company; no mere informality in the organization shall have the effect of rendering this charter null, or of exposing a stockholder to any liability beyond the extent of his stock.

SEC. 13. That the stockholders, at a general meeting to be convened for that purpose, after thirty days' notice in at least one daily newspaper published in the city of Houston, shall have power to dissolve this association, three-fourths of the stockholders of the company assenting. The liquidation of the affairs of the company shall be made by three commissioners, appointed by two-thirds of the stockholders, at a meeting convened for that purpose, after thirty days' previous notice in one daily newspaper published in Houston; and the commissioners shall have all the power necessary to wind up and close the business of the company.

SEC. 14. That the corporators in this bill, or a majority of them, shall have authority to organize the company within ninety days after the passage of this act.

Approved December 2, 1871.

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## CHAPTER CXL.

AN ACT TO INCORPORATE THE HOUSTON DOLLAR SAVINGS BANK.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That John W. McDonald, James G. Tracy, Timothy H. Scanlan, William H. Persons, Erastus Carter, Gabriel Todd, John N. Coss, and such other persons as they may associate with them, and their successors, be and are hereby created a body corporate and politic under the name and style of the Houston Dollar Savings Bank, with authority in said corporate name and capacity to sue and be sued, to plead and be impleaded, to have succession and a common seal. They may have the right to purchase, hold, pledge and receive in pledge, to transfer and convey property of all descriptions; to make loans and borrow money to the extent of the capital authorized to be employed; to receive on deposit all sums not less than one dollar; to act, when required, in the capacity of a trust company, being capable in law and in equity of executing all such trusts as may be performed by an individual trustee; to make and adopt, revise and amend, such by-laws, rules and regulations as in their judgment may be necessary to the successful organization and future management of the business of said company, and generally to do any act within the scope of this charter not at variance with the Constitution and laws of this State.

SEC. 2. That the capital stock of said company shall be two hundred thousand dollars, which may hereafter, by a vote of the directory, be increased to five hundred thousand dollars. The said stock shall be divided into shares of fifty dollars each, on which there shall be paid at the time of subscribing not less than five dollars per share, each share to entitle the owner thereof to one vote, either in person or by proxy, in all meetings of the company; said shares to be deemed personal property; and if any stockholder shall fail or refuse to make payment on such calls or assessments as may be made, his or her stock may be sold in such manner as the directory may prescribe, and such stockholder shall cease to be a member of this company.

SEC. 3. The management of said company shall consist of a board of directors, not less than five or more than seven, to be chosen annually by the stockholders. They shall elect from the board of directors one president, one vice president, and such other officers as may be prescribed by the by-laws, and their term of office shall be for one year, or until their successors qualify.

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SEC. 4. All obligations of the company shall be signed by the president and cashier.

SEC. 5. The legal domicile of the company shall be in the city of Houston.

SEC. 6. That this act of incorporation shall take effect and be in force from and after its passage, and remain in force for the period of fifty years.

Approved December 2, 1871.

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## CHAPTER CXLI.

AN ACT TO ESTABLISH A FERRY ACROSS THE SABINE RIVER, AT OR NEAR RED ROCK, COUNTY OF UPSHUR.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That George H. Slaughter and W. C. Pierson be and they are hereby authorized to establish a ferry across the Sabine river, from or near to Red Rock, in the county of Upshur; and that they shall have the right to make their landing on any point on the opposite bank of said river, in Smith county.

SEC. 2. *Be it further enacted*, That it shall be the duty of said George H. Slaughter and W. C. Pierson to provide and keep in good repair all necessary and sufficient boats for the transportation across said river of all passengers, wagons and other wheel carriages, horses, oxen, and stock of every description; and that upon the providing and keeping such boats in good repair, they shall have the right to use and enjoy said ferry, within the limits aforesaid, for and during the term of thirty years.

SEC. 3. *Be it further enacted*, That said George H. Slaughter and W. C. Pierson shall be entitled to charge and receive such rates of toll as the County Court of Upshur county may see proper to assess.

SEC. 4. *Be it further enacted*, That no person or persons shall be permitted to establish any ferry or bridge across said stream within one mile, on a straight line, above said Red Rock, or one mile below; *provided*, one mile does not exceed half way to a ferry known as Camp Ferry, on said Sabine river.

SEC. 5. *Be it further enacted*, That the said George H. Slaughter and W. C. Pierson shall enter bonds, with sufficient security, of one thousand dollars, payable to the chief justice of

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Upshur county, or successors in office, for all damages that may accrue from neglect of duty.

SEC. 6. That this act shall go into effect from and after its passage.

Approved December 2, 1871.

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## CHAPTER CXLII.

AN ACT TO INCORPORATE THE ROCK CREEK BRIDGE AND TURNPIKE COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Mrs. W. E. Weaver, her associates and assigns, are hereby created a body corporate and politic, with the right and privileges hereinafter set forth.

SEC. 2. That the said Mrs. W. E. Weaver, her associates and assigns, shall have the privilege to construct a toll bridge across Rock creek, in Hopkins county, at the crossing three miles east of Sulphur Springs, and on the road leading from the above named place to Jefferson, Texas; also, the privilege of constructing bridges over the sloughs across said road; also, the privilege of levying the bottom of said stream, so as to make the road safe and easy to pass over at all stages of the water.

SEC. 3. That Mrs. W. E. Weaver, her associates and assigns, shall have six months from the passage of this act to build and complete the work contemplated by this act; and when the work is completed, it shall be the duty of the county court, or two or more of the members thereof, to examine the work and the road, and if found in good condition and extending from hill to hill, over the whole of the bottom of said Rock creek, a distance of about four hundred yards, and done in accordance with this act, then they shall certify the facts under their hands and the seal of the county court, and deliver the same to the said Mrs. W. E. Weaver.

SEC. 4. That said Mrs. W. E. Weaver, or assigns, with sureties, shall enter into bond in the sum of two thousand dollars, payable to the County Court of Hopkins county, conditioned to pay all damages any person or persons may sustain in crossing over said road and bridges, by reason of said road and bridges being out of repair; and the said bond may be put in suit by any person who has been damaged as aforesaid; said bond to be approved by the County

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Court of Hopkins county, and recorded in the office of the district clerk of said county.

SEC. 5. That when all the conditions hereinbefore set forth have been complied with, the said Mrs. W. E. Weaver and her associates, or assigns, shall have the privilege of erecting a toll gate and to collect the following tolls: For four-horse or ox wagons fifty cents; for two-horse or ox wagons, twenty-five cents; for carriage or buggy, twenty-five cents; for loose horses, per head, three cents; for cattle, per head, three cents; for hogs, sheep or goats, two cents; for footman, five cents; *provided*, that said Mrs. W. E. Weaver, and her associates, shall not have the right to charge citizens of Hopkins county any toll for passing over said bridge.

SEC. 6. That the exclusive privilege of said road shall extend two miles on either side of said turnpike, and no public crossing shall be made on said creek, within said limits, without the consent of Mrs. W. E. Weaver, her associates or assigns.

SEC. 7. That the privileges herein granted shall continue for twenty-five years from the completion of the work herein contemplated.

SEC. 8. That this act be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CXLIII.

AN ACT TO INCORPORATE THE MECHANICS' BUILDING ASSOCIATION OF JEFFERSON, TEXAS.

SECTION 1. Whereas, H. P. Mabry, Edward Eberstadt, R. C. Boney, F. Stutz, Joe Ney, A. S. Huey, D. J. Foley, T. G. Anderson and Louis Weiderman, and others, have associated themselves together for the purposes set forth in this act; therefore

*Be it enacted by the Legislature of the State of Texas*, That said parties named, and such others as may be associated with them, be and are hereby created and constituted a body corporate and politic, by the name and style of the Mechanics' Building Association, of Jefferson, Texas, and by that name and style shall have succession for twelve years, with power to contract and be contracted with; sue and be sued; to plead and be impleaded; to have a common seal; to purchase, own and sell real and personal property to any amount which may be necessary to further the objects of the association.



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SEC. 2. The capital stock of said association may be in any sum not less than three hundred thousand dollars, and the assessment and collection of the instalments thereon may be made at such times and in such amounts as the stockholders thereof may direct. Said association may loan their funds on such terms as the association may direct, for the purpose of building up and improving the property of the city of Jefferson; may take and accept such security on said loans as may be agreed upon by the president and directors of the association.

SEC. 3. Said association may elect annually from the stockholders thereof, nine directors, which directors may elect from their number a president and vice president, and may appoint a secretary and treasurer and such other officers and agents as may be necessary; and such officers and agents may be removed and all vacancies filled as may be directed by the by-laws of the association.

SEC. 4. Said association may make such rules, regulations and by-laws as the stockholders may deem best for the purpose of carrying out the objects of the association, and change the same at will; and the same shall be of the same binding force and effect upon the members thereof as if the same was a part of this act; *provided*, the same be not inconsistent with the laws and Constitution of this State or the United States.

SEC. 5. Said association may sue and be sued in their corporate name in any court in this State without specially pleading this act of incorporation, and service may be had thereon by the same being made on the president or vice president of said association.

SEC. 6. That this act be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CXLIV.

### AN ACT TO INCORPORATE THE GALVESTON PAVING AND IMPROVEMENT COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Jonathan Taylor, Thomas P. Ochiltree, B. Rush Plumley, John S. Sellers and E. T. Randall and their associates be and they are hereby created a body politic in law and in fact under the name and style of the Galveston Paving and Improvement Company, and under that name they are authorized to sue and be sued,

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implead and be impleaded, to have and use a common seal; buy, hold, sell, lease and convey personal and real property for the uses of the company, and generally to do and perform such acts as are proper in a corporate company.

SEC. 2. The affairs of said company shall be managed by a board of directors to consist of five stockholders, to be elected by the stockholders at any meeting held under the by-laws of the company; *provided*, that the corporators herein named, or a majority of them shall, either in person or by proxy, within ninety days after the approval of this act, proceed to organize said company by electing a president and directors from their number, to hold their offices, until their successors shall have been elected by the stockholders. Said company shall have a code of by-laws for its government, which by-laws, if not inconsistent with this act or with the Constitution of the State, shall be in force whenever approved by a majority of the stockholders. The board of directors shall elect all other officers required by the company.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increase to any sum not to exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each. Each share of said stock shall entitle the holder thereof to one vote, either by proxy or in person, under such rules as the by-laws may prescribe. Any increase of said capital stock shall require a vote of two-thirds of the issued stock, and any action or decision of three-fourths of the issued stock shall be binding on all the stock of the company. Said company may issue and sell or dispose of its stock in such manner and upon such terms as it may decide to be for the best interest of the corporation.

SEC. 4. Said company shall have the right to obtain, by lease or purchase from the owners, patentees or lessors of any patented pavement or pavements, any rights that they can procure, and said company shall have the right to put down or lay any such pavement or any unpatented or other pavements in the streets or alleys or on any sidewalk of any city or town, or of any yard or court of any residence, or private or public building, under such contract and upon such conditions as said company may make with every city, town, or with any party or parties within the limits of the State of Texas.

SEC. 5. The legal domicile and principal office of said company shall be located in the city of Galveston, and this act shall remain in force for the space of twenty-five years, and shall take effect from and after its passage.

Approved December 2, 1871.

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## CHAPTER CXLV.

AN ACT TO INCORPORATE THE CHEROKEE MINING COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That R. H. Guinn, C. C. Francis, John R. Palmer, J. C. Francis, J. W. Francis and E. L. Gregg, of Cherokee county, Texas, their associates, successors and assigns, be and hereby constituted a body corporate and politic, by the name and style of the Cherokee Mining Company, and by that name and style shall have fifty years succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded in that name; to have a common seal; to engage in mining for coal, petroleum or rock oil, lead and other mineral and fossil substances; and privilege of erecting works for the manufacture of such substances, and taking said substance out of the ground and transporting them to market and selling said products, within or without the State; and to have all other powers needful and proper for the successful prosecution of their business and for the execution of the powers herein granted. That same corporation may organize said company by the election of a president and such other officers and managers as they may deem necessary, at such time and place as they may designate, by notice previously given; and when organized this company shall have power to make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation not inconsistent with the laws and Constitution of the State of Texas and the United States.

SEC. 2. That the capital stock of said company may amount to five hundred thousand dollars. The said company may buy, lease or rent any suitable lands, mines, oil, iron, coal and salt right, and other mineral substances and fossil substances, with rights and privileges, rights of way and other property necessary for their business, and may dispose of the same by sale or otherwise. They may receive real estate, lease and hold mining rights and rights of way and other property, in payment of such part of subscription or stock as they may deem advisable.

SEC. 3. Said corporation may erect and build on any of their lands such buildings, engines, machinery and fixtures as may be deemed convenient and proper for carrying on and conducting said business of the said corporation within the counties of Cherokee, Anderson, Houston and Angelina.

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SEC. 4. That the principal office of said company shall be at the town of Rusk, Cherokee county, and that service may be made thereon by service on the president or secretary thereof; *provided*, that the principal office of said company may be moved to any other point within this State by the officers of the company giving notice for one month previous to such removal, in the nearest newspaper, of their intention and the point to which the same is removed.

SEC. 5. That the Cherokee Mining Company shall be entitled to all the benefits that may hereafter be granted by the Legislature in any general law to companies for the purposes aforesaid.

SEC. 6. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CXLVI.

AN ACT TO INCORPORATE THE POINT ISABEL CITY COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Simon Celaya, Thomas F. Wilson, Joseph Kliseber, Clifton W. Harris, Antonio Longono and Charles Worthington, are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation, to be styled the Point Isabel City Company, with capacity to have succession and a common seal; to sue and be sued; to buy and sell real and personal estate; to erect, own and maintain buildings; to borrow money, and pledge any property they may have acquired for the payment of the same; to make contracts and by-laws for the government of said association, and generally to do and perform all such acts and things as may be necessary or incident to the business of said company for the maintenance of its rights under this act, and consistent with the Constitution and laws of this State. A majority of said commissioners shall constitute a quorum to do business. In receiving subscriptions to said capital stock, they shall require two per cent. to be paid in cash, and the balance to be paid in real estate, which said real estate shall be valued and conveyed to the company, as they may elect.

SEC. 2. That as soon after the passage of this act as the sum of one hundred thousand dollars is subscribed, it shall be the duty of said commissioners to call a meeting of the stockholders, who shall

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organize the company by electing five directors, who shall conduct and manage the affairs and business of said corporation, and said directors shall elect from their own body a president, and shall also elect such other officers and agents as shall be necessary for the proper transaction of the business of the company.

SEC. 3. The capital stock of the said company shall not be less than one hundred thousand dollars, and may be increased to one million of dollars. The principal office thereof shall be at Point Isabel.

SEC. 4. The board of directors may issue additional stock of said corporation, until the whole stock shall amount to the limit established by this act. But they shall issue no such stock until it shall have been fully paid for, and all stock issued shall be declared and taken to be full stock, and not liable to any further calls. All certificates of stock in said corporation shall be signed by the president, and shall have the seal of the corporation affixed. A majority of the board shall constitute a quorum, and shall have authority to do and perform all such acts and things as may be necessary for conducting the business of said corporation; and all instruments of writing executed by the president, under the seal of the corporation, with the consent of a majority of the board of directors, shall be valid and binding upon the corporation.

SEC. 5. The capital stock shall be divided into shares of one hundred dollars each, and each share shall entitle the holder to one vote, and shall be transferable by assignment. But no stockholder shall be entitled to vote thereon until the stock shall appear on the books of the company, in his or her name, who claims the same, for thirty days previous to the election. The vote shall be by ballot, and may be in person or by proxy. The annual election, after the first organization, shall be on the first Monday in March of each year.

SEC. 6. The charter granted by this act shall continue in force and effect for the term of twenty-five years.

SEC. 7. This act shall take effect from its passage.

Approved December 2, 1871.

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## CHAPTER CXLVII.

AN ACT TO INCORPORATE THE COLORADO AND POST OAK ISLAND RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That R. F. Campbell, S. N. Baker, C. C. McGinnis, W. H. McAlpine, J. Jung, Chas. Wertzner, and such others as they may associate with them, and their successors and assigns, be and they are hereby created and appointed a body politic and corporate, in deed and in law, to be known by the name and style of the Colorado and Post Oak Island Railroad Company, and as such they shall have succession for ninety-nine years, and a common seal, with the capacity to sue and be sued, plead and be impleaded, buy and sell, grant and receive, contract and be contracted with; to accept to their own use, and hold and enjoy any grant, donation, loan, power, franchise, aid or assistance, which may by any person, company, corporation, city or town, be granted or conferred upon said company; to make and enforce by-laws, and generally to do and perform all such acts and things as may be proper and necessary to carry into effect the objects of this corporation, consistent with the Constitution of this State and its laws regulating railroads.

SEC. 2. That the persons named in the first section of this act, their associates and assigns, or a majority of them, shall constitute the first board of directors for said company, and shall continue in office until their successors have been appointed, as hereinafter provided. They shall have the right to elect a president, vice president, secretary and treasurer. The other officers and agents shall be appointed in such manner as the board of directors may determine. The said board of directors, or a majority of them, shall have power to make by-laws, rules and regulations for their government, so as to carry out the intents of this act; and to appoint an executive committee, and confer upon it such powers as they may see fit, not inconsistent with the laws of this State or of the United States; to provide for the future election of officers, and fix the permanent domicile of said company, and change the same at pleasure; to provide for the issue and transfer of its stock, scrip and bonds; to mortgage and hypothecate the road bed, rolling stock and all other property of said company, to raise funds to build and equip said road. Said board of directors shall fix the amount of capital stock of said company, and the amount to be subscribed before a permanent organization is perfected, and the amount or amounts to be paid down.

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SEC. 3. When the amount of capital stock of said company shall have been so fixed by the board of directors, it shall be divided into shares of one hundred dollars each, and each share shall entitle the holder thereof to one vote; and when the amount of stock to be subscribed before permanent organization shall have been taken up by *bona fide* holders, the president, by the direction of the board, shall call a meeting, at such time and place as he may be so directed, for the permanent organization of said company, the election of officers, and the adoption of such by-laws and rules as may be deemed expedient.

SEC. 4. That the said company is hereby authorized and empowered to construct, own and equip, maintain and operate a continuous line of railroad, with a double or single track, and a telegraph line, from a point of intersection with the western branch of the Houston and Texas Central Railroad, at or near McDade, on said road, intersecting with same at said point, as nearly as practicable and expedient on an air line in a southerly direction to the nearest point of the Colorado valley to the town of Bastrop, in a northerly direction, as nearly as practicable and expedient on an air line to the nearest point on the line of the International Railroad, at or near Post Oak Island, intersecting with same at said point of intersection.

SEC. 5. That the State of Texas hereby grants to said company the right of way to the extent of two hundred feet in width, over all lands in the State along the line of said route as above stated, for the laying of its track, and such lands as may be necessary for sidlings, turn tables, depots, station houses, machine shops, water tanks, wells, etc., and the right of making preliminary surveys for the location of their said roads, and the further right to take from any lands belonging to the State, within two miles of its track, any wood, stone, earth or other material for the construction of said road.

SEC. 6. That should the owner or owners of any land or lands over which said road of said railroad company must pass, disagree with said company as to the amount to be paid for said land or lands, such disagreement shall be settled according to the general railroad laws of this State.

SEC. 7. Said company shall commence the construction of its road within one year after the permanent organization thereof, and shall complete and have in running order within two years thereafter the road from McDade to Bastrop, commencing at McDade, and within four years thereafter the road from McDade to Post Oak Island, and in default thereof shall forfeit all the franchises hereby granted, except as to the part in running order.

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SEC. 8. Said company shall receive such aid and immunities as may be granted to any railroad under any general law.

SEC. 9. Said company may adopt the gauge of any road with which they may connect.

SEC. 10. Said company shall have the right to join stock or consolidate with any other company running in the same general direction in the State; to receive subscriptions or loans from any county on its line or adjacent thereto, or from any person, company, corporation, city or town, either in bonds, money, land or other property (the same to be used in the aid of said railroad), or may receive donations of land or other property from individuals.

SEC. 11. The legal domicile of said company shall be at McDade until located by the board of directors, as hereinbefore provided.

SEC. 12. That this act take effect from and after its passage.

Approved December 2, 1871.

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## CHAPTER CXLVIII.

AN ACT TO INCORPORATE THE GATESVILLE BRIDGE COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That T. B. Owens, Bedford Lanham, J. H. Chrisman, J. M. Arnold, W. W. Patrick, J. M. Morton, T. B. Saunders, Robert Newland, L. M. Robertson, J. K. Saunders, W. H. Woodburn, W. W. Hammack, C. P. Basham, L. T. Methvin & Co., W. W. Jones, L. M. Allen, H. Sassy, George C. Chrisman, W. Spencer, W. E. Love, J. R. Rabey, B. Hood, H. C. White, J. W. Hedgepeth, T. D. Bone, J. M. Longmire, J. M. Robertson, and such others as they may see proper to associate with themselves, are hereby incorporated under the name and title of the Gatesville Bridge Company, and under such name shall sue and be sued, and have succession for fifty years.

SEC. 2. Said company shall have the right to construct a bridge, of iron or wood, across the Leon river, at a point where South street, of the town of Gatesville, running westward, strikes the bank of the Leon river.

SEC. 3. Said company shall construct said bridge in a good and substantial manner, within five years from the first day of January, 1872, and shall keep the same in good repair for the term of fifty years from the completion thereof, and to be ready at all times,

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night and day, to pass all passengers, wagons, teams and stock of all kinds, that may wish to cross on said bridge, and be responsible as common carriers.

SEC. 4. That it shall be the duty of the police court of Coryell county, from time to time, to cause said bridge to be examined, and when they shall consider the same to be not in good repair and safe for the crossing of person and property, said company shall be authorized to keep a ferry boat for the crossing of passengers and property over said Leon river until said bridge is repaired.

SEC. 5. That no person or persons shall be authorized or allowed to erect or keep any public or private bridge or ferry, or establish any public road or private crossing of any kind across said Leon river, within four (4) miles on a direct line of said bridge, after its completion.

SEC. 6. That said company shall have the right of way over any land on either side of the Leon river, at the point designated for the erection of said bridge, and may enter upon and take possession of said land; *provided* the same shall not exceed the width of eighty feet, by paying the owner thereof whatever price may be agreed upon; and should the said owners thereof not be able to agree as to the price, the said company may petition the presiding justice of the county court of said county, giving a description of the land they require, with the names of the owner or owners thereof, and the presiding justice shall summon a jury of six free holders, not in any way or manner interested, who shall, on oath, make a report of the value of the land so required, and upon payment thereof by the company to the owner or owners, or his or their agents, a good *bona fide* title shall be granted by said presiding justice to said company, a copy of which shall be recorded in the office of the county clerk of the county aforesaid.

SEC. 7. That when said bridge shall be completed, said company shall be authorized to demand and receive from each and every person crossing said bridge, or crossing their property over the same, a toll not to exceed the following rates, to-wit: For each wagon, cart, carriage or other vehicle, drawn by more than two horses, or other animals, twenty (20) cents per wheel, and five (5) cents for each animal by which the same is drawn, and where the same is drawn by two (2) animals or less, ten (10) cents per wheel, and five (5) cents for each animal by which the same is drawn; for each animal and rider, ten (10) cents; for each loose horse, mule, jack or jennet, five (5) cents; for each loose animal of the cattle kind, five (5) cents; for each foot passenger, five (5) cents; for each sheep, goat or hog, three (3) cents.

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SEC. 8. That this charter of corporation continue and remain in force for fifty years from and after the completion of said bridge; and that this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CXLIX.

AN ACT GRANTING TO DAN EGBERT THE PRIVILEGE OF CONSTRUCTING AND KEEPING A TOLL BRIDGE AND FERRY ACROSS THE NECHES RIVER, AT A PLACE KNOWN AS EGBERT'S BRIDGE, ON SAID RIVER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the privilege is hereby granted to Dan Egbert, and he is hereby authorized to construct and keep a toll bridge and ferry across the Neches river, at a place known on said river as Egbert's bridge, on said river, on the road leading from the town of Rusk, in Cherokee county, to the town of Crockett, in Houston county.

SEC. 2. Said Dan Egbert is hereby required to construct and keep in good repair a good and substantial bridge across said river; and also to place good and substantial bridges across the sloughs, and to keep the road in good order across said river bottom; and he is also required to keep a good and substantial ferry boat, so that the way may be passable at all times.

SEC. 3. That said proprietor shall have the right to erect a toll gate at some convenient place in the immediate vicinity of said bridge and ferry, and demand and receive at said gate, from all and every person passing over said bridge and ferry, toll according to the following rates: Sheep, goats and hogs, one cent per head; cattle, two and a half cents per head; loose horses and mules, five cents per head; for a horse or mule and a rider, ten cents; for one horse and vehicle, twenty-five cents; for two horses and vehicle, fifty cents; four horses and wagon, seventy-five cents; four or more horses or oxen and wagon, one dollar.

SEC. 4. That the Police Court of Cherokee county shall appoint two commissioners on application of said proprietor of said bridge and ferry, citizens of said county, whose duty it shall be to examine and approve the bridge now constructed, or to be constructed under this act, and report their action, fully describing the bridge;

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its length, height, and also the size and capacity of said ferry boat, and their condition as to safety to the traveling public; this report to be made at a regular term of the court; and they shall hold their commissions for two years from the time of their appointment, and until their successors shall have been appointed; and it shall be the duty of said commissioners to examine and report at least twice each and every year the condition of said ferry and bridge, to said court; and should said bridge and ferry be found out of repair or in bad order, the toll gate shall be set open until said bridge and ferry shall have been repaired and examined as herein provided for.

SEC. 5. That said commissioners shall each receive two dollars per day for the time necessarily employed in the performance of their duties imposed under the provisions of this act, to be paid by the proprietor of said bridge and ferry.

SEC. 6. That the bridge and ferry constructed, or to be constructed under the provisions of this act, across the Neches river, at the place designated in this charter, shall insure to said Dan Egbert, his heirs and assigns, for a period of twenty-five years from and after the passage of this act.

SEC. 7. That the owner and proprietor of said bridge and ferry shall be liable by action for damages to any person who may sustain injury to person or property by reason of negligence or failure to keep in repair said bridge and ferry, before any court having jurisdiction of the amount of damages claimed.

SEC. 8. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CL.

### AN ACT CREATING THE COLORADO REAL ESTATE AND BANKING COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That George W. Sampson, George E. Glenn, A. H. Parrish, John H. Robinson, E. C. Bartholomew, W. S. Huntington, J. W. Parish, J. D. Harmon and Joseph A. Vaughn, and their associates, are hereby created a body politic with general corporate powers and privileges under the name of the Colorado Real Estate and Banking Company.

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SEC. 2. The capital stock of said company shall be one hundred thousand dollars, until altered by an affirmative vote of two-thirds of the board of directors.

SEC. 3. That the first five named persons above named as incorporators shall give thirty days' notice, through a newspaper published at the city of Austin, of the opening of subscription books for the stock of said company; and when the whole amount of said stock shall have been subscribed for and two per cent. of the same paid to the temporary treasurer, who shall be designated by a majority of the five incorporators above mentioned, then the subscribers to said capital stock shall proceed, under direction of the five incorporators above mentioned, to the election of one president, one vice president, one cashier, and a board of directors consisting of five, all of whom shall be subscribers to the capital stock, a majority of whom shall, together with the president, or in case of his absence abroad then the vice president, constitute a quorum. After the first election of president, vice president and cashier by the stockholders as above, they shall thereafter be elected once every year by the board of directors, a majority of the same voting affirmatively being necessary to a choice.

SEC. 4. That before giving notice of opening the books for subscription as provided in article third, the five incorporators aforesaid shall execute to the Comptroller of the State of Texas a good and sufficient bond in the sum of five thousand dollars, conditioned that the incorporators and company hereby incorporated will in good faith carry out the provisions of this agreement made and entered into by and between the State of Texas and the incorporators and company incorporated as aforesaid.

SEC. 5. That said company is is empowered to construct, purchase, or accept and receive and hold, or make any disposition whatsoever, not contrary to the Constitution of the State of Texas, of any and all kinds of property and franchises.

SEC. 6. That said company is empowered to do a general banking, brokerage and loan business, and may issue paper money, provided the same be countersigned by the Comptroller of Public Accounts; which paper bills the Comptroller shall countersign whenever the company shall first have delivered to him bonds of the State of Texas or bonds of the United States in face value ten per cent. more than the bill to be countersigned, which bonds shall be retained by the Comptroller of Public Accounts as security for the redemption in U. S. currency, U. S. national bank notes or gold of the bank's notes so issued; but upon the delivery at any time to the Comptroller by the company of any amount of said bills of the company which said company may have redeemed, the

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Comptroller shall proceed to count and then destroy the same in the presence of the State Treasurer, when an equivalent amount of bonds deposited as security for the same, on demand of said company, shall be returned to the company.

SEC. 7. That legal service may be had on the president, vice president or cashier at the company's chief office, which chief office shall be designated by the company in its by-laws and by publication.

SEC. 8. Said company is empowered to establish such branches and create such sub-offices and at such places as may be required by said company in carrying out the provisions of this act.

SEC. 9. That said company is empowered to make all rules and regulations advisable to carry out the provisions of this act, not contrary to the Constitution of the State of Texas.

SEC. 10. That in consideration of the bond for five thousand dollars, as required in article fourth of this act, the rights and privileges of this act are granted to the aforesaid incorporators and company, and they shall exist for the term of fifty years from and after the date of this act becoming law.

SEC. 11. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLI.

AN ACT TO PROHIBIT THE SALE OF ALL INTOXICATING OR SPIRITUOUS LIQUORS WITHIN CERTAIN LIMITS OF THE THORPE SPRINGS MALE AND FEMALE SEMINARY, IN HOOD COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That it shall be unlawful for any person or persons to dispose of any intoxicating or spirituous liquors by sale, except for sacramental or medicinal purposes, within two (2) miles of Thorpe Springs Male and Female Seminary, an institution of learning, located some some eight miles from the county seat of the county of Hood in the State of Texas.

SEC. 2. That any person or persons violating the provisions of this act shall upon conviction thereof, in any court of competent jurisdiction, be fined in any sum not less than ten nor more than fifty dollars for each and every such offense.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLII.

AN ACT TO AMEND SECTION SEVEN OF AN ACT ENTITLED AN ACT TO INCORPORATE THE TEXAS BANKING AND INSURANCE COMPANY, APPROVED JULY 1, 1870.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section seven of an act entitled "An act to incorporate the Texas Banking and Insurance Company," approved July 1, 1870, be so amended as to read as follows: "Section 7. *Be it further enacted*, That the president and directors shall render to the stockholders an annual statement of the liabilities and assets of said corporation, which statement shall be verified by the oath or affirmation of the president and cashier, and which statement shall be published for three consecutive insertions in not less than two of the Galveston newspapers; and it shall be the duty of the president and directors of said corporation, either annually or semi-annually, to make such dividends of the net profits of said corporation as shall be deemed advisable, under the following rules and regulations: One-fourth of the net profits of the banking department shall be divided, *pro rata*, among the depositors, and the remaining three-fourths among the stockholders; but if, at any time, the amount of deposits should bear the proportion to capital stock of three to one, then one-third of the net profits shall be divided among the depositors, and two-thirds among the stockholders; and if the average deposits should reach the proportion to the capital stock of four to one, then one-half of the net profits shall be divided among the depositors, and one-half among the stockholders."

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLIII.

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COURT OF BURLESON COUNTY TO LEVY AND COLLECT A SPECIAL TAX FOR THE PURPOSE OF BUILDING A COURT HOUSE AND JAIL.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the County Court of Burleson county be and is hereby authorized and empowered to levy and collect a special tax, not to ex-

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ceed one-half of one per cent., upon all taxable property in said county, for the purpose of building a court house and jail in said county.

SEC. 2. That said tax shall be levied and collected for the year one thousand eight hundred and seventy-one, and every year thereafter until a sufficient amount be raised to build a court house and jail in said county, the same to be assessed and collected as other State taxes.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLIV.

### AN ACT FOR THE RELIEF OF EDWARD DE LANEY.

WHEREAS, About the twelfth day of June, A. D. 1870, one Mary De Laney, departed this life in the county of Brazoria, leaving a nuncupative will, bequeathing property, real and personal, to her son Edward De Laney; and

Whereas, It was impossible for said nuncupative will to be probated within the time prescribed by law, because there was holden no term of the court for said county; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That it shall be lawful for the district court of said county of Brazoria, at any time within six months after the passage of this act, to admit the nuncupative will of the said Mary De Laney, to probate, and to proceed in the matter of said estate in all other respects according to existing laws.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLV.

AN ACT TO INCORPORATE THE DALLAS AND WICHITA RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That E. W. Cullen, W. J. Clark, J. A. Hawkins, Henry Ervay, Fred. Cullen, J. W. Swindalls, George Brainerd, Cicero Cullen, J. W. Haynes, and their successors, be and they are hereby created and constituted a body corporate and politic for ninety-nine years, under the name and style of the Dallas and Wichita Railroad Company, with the capacity in said corporate name to make contracts; to have succession and a common seal; to make by-laws; to sue and be sued; to plead and be impleaded; to grant and receive; to hold and convey property, both real and personal; to receive donations or gifts of lands, money or bonds, and generally to do and perform all such acts and things proper and necessary to be done to carry into effect the ends and objects of this incorporation and the maintenance of the rights accruing under and connected with it, not inconsistent with the laws of this State.

SEC. 2. That said corporation is hereby invested with the rights to locate, construct, own and maintain a railway, commencing at the city of Dallas, in the county of Dallas and State of Texas, and running thence westwardly to Red River, to or near the mouth of the Wichita river where it empties into Red River; *and provided further*, that said company shall have the right to connect their road, by running westwardly from said city of Dallas, with any other railroad chartered by the State of Texas, running to or near the direction of El Paso.

SEC. 3. That the capital stock of said company, consisting of its property, real and personal, franchises and rights to property, shall be divided into shares of one hundred dollars each, every share entitling the owner thereof to one vote by himself or proxy for directors; said shares shall be deemed personal property, and may be transferred by any conveyance in writing, under such rules as may be prescribed by the directors; *provided, however*, that all such conveyances shall be filed for record, and recorded by the secretary of said company in a books or books to be kept for that purpose.

SEC. 4. That the immediate government and direction of the affairs of said company shall be vested in a board of five directors, to be selected from the corporators named in the first section of this



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act, who shall elect one of their number president of said company. No person shall be eligible to the office of director unless he be the owner of ten shares of the stock of said company. The directors shall be elected biennially by the stockholders of said company, each being entitled to one vote for every share he or she may own. The first election to take place within ninety days after the passage of this act, in the said city of Dallas; and if a vacancy should occur in said directory by death, resignation or otherwise, the vacancy or vacancies may be filled by the residue of said directors for the unexpired term; and, should the stockholders fail to hold an election at any regular period, those in office shall continue officers until an election at a regular period. It shall be the duty of the president and directors to appoint a secretary and treasurer to prescribe their duties, and require of them bonds for the faithful discharge of the same. They shall keep, or cause to be kept, a record of all their proceedings, and an account of the receipts and expenditures of said company, which books shall be open at all reasonable hours for the inspection of any person interested in said company. A majority of the board of directors shall have the authority of a full board, and all conveyances and contracts in writing, executed by the president and countersigned by the secretary, under the seal of the corporation, and in pursuance of a vote of said directors, or a majority of them, shall be valid and binding. Said company shall keep their office at the city of Dallas, in the State aforesaid, and the president of said company shall report annually the condition of the affairs of said company to the directors, who shall publish said report in two or more newspapers published on the line of said railway.

SEC. 5. That the shares may be disposed of, and books opened for subscription thereto, in such manner, and on such terms as the president and directors shall determine will be best for the interest of said company, and any agreement in writing by which any person shall become a subscriber to the capital stock of said company, may be enforced against him or her according to its terms, and if any person fails to pay the amount due by him or her to the said company for shares in said stock, according to the terms of his or her subscription, the directors or their agents may sell at auction, after giving twenty days notice in writing at the office of said company, the shares of said delinquent, and if the proceeds of the sale shall not be sufficient to pay the amount then due on said subscription, with interest and charges, said delinquent shall be held liable to the company for the deficiency due on said call, and if the proceeds should exceed said amount, said delinquent shall be entitled to the surplus.

SEC. 6. That no debts or liabilities contracted, or losses sus-

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tained by said company shall be binding individually upon the stockholders for any sum exceeding the amount of their respective shares.

SEC. 7. That it shall be lawful for the company to enter upon and purchase, or otherwise take and hold any land necessary for the purpose of establishing and constructing said railway, with all necessary depots and other building, and if said company shall not be able to obtain said lands by agreement with the owner thereof, they shall pay therefor such compensation as shall be determined upon in the manner provided in the following section; *provided*, that the land so taken for the road bed shall not exceed two hundred feet in width, and for depots and other buildings, such further width as may be necessary for such other purposes.

SEC. 8. That when any lands are taken for the road bed or depots, the value of the same shall be determined as prescribed by the general railroad law of this State.

SEC. 9. That it shall be the duty of said company whenever any State or county road, now or hereafter established shall be crossed by the track of said railway, to make and keep in repair good and sufficient causeways at such crossings; and in all cases where any person shall own land on both sides of said railway, and there shall be no other convenient access from one part to the other, such owner shall have the right, at all reasonable times, to cross the track of said railway.

SEC. 10. That said company may acquire real estate by gift or purchase, and may appoint agents in such manner as it may think fit, with full authority to receive subscriptions of stock and conveyances of land to said company.

SEC. 11. That said company shall have the right to demand and receive such rates of prices for transportation of freight and passengers as it may think proper to establish and not inconsistent with the laws of this State.

SEC. 12. That the capital stock of said company shall be five millions of dollars.

SEC. 13. That this company may enter into contracts and form associations with any other road or company owning any road leading to the Mississippi river, El Paso, or the Gulf of Mexico, or any road intersecting the same, so as to make intersections with other railways.

SEC. 14. That said company shall commence work on said road within twelve months from and after the passage of this act, and shall have the same completed and in good running order within five years thereafter; *provided, further*, that said company may adopt such gauge of track as they may deem best for the said railway.

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SEC. 15. That the property of said railway shall be exempt from taxation until said railway is completed.

SEC. 16. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

## CHAPTER CLVI.

AN ACT TO ESTABLISH A FERRY ACROSS THE BRAZOS RIVER IN THE COUNTIES OF MILAM AND ROBERTSON, AT OR NEAR THE TOWN OF PORT SULLIVAN, IN MILAM COUNTY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That J. Wise Parker, his associates and successors, be, and they are hereby, authorized to establish a ferry on the Brazos river, in the counties of Milam and Robertson, at or near the town of Port Sullivan, in the county of Milam, and upon the road leading from the town of Hearne, in the county of Robertson, to the town of Cameron, in the county of Milam.

SEC. 2. That the said J. Wise Parker, his associates and successors or assigns, shall establish and keep in good running order, at all times, a good and safe ferry boat; and shall at all times carry passengers, and property of all descriptions; and shall be responsible as other common carriers are by law.

SEC. 3. That said Parker, his associates and successors or assigns, shall be subject to the general laws of the State of Texas governing the establishment of ferries, and shall be entitled to collect and receive such fees and tolls as may be established by the county court of Robertson county.

SEC. 4. That no other ferry shall be established, operated or run within two miles above or below the ferry herein chartered, except for private use.

SEC. 5. That this act take effect and be in force from and after its passage, and that it continue in force for thirty years.

Approved December 2, 1871.

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## CHAPTER CLVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH A FERRY ACROSS BRAZOS RIVER, AT OR NEAR THE MOUTH OF THE LITTLE BRAZOS RIVER, IN THE COUNTIES OF BURLESON AND BRAZOS, PASSED MAY 16, 1871.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section three of the above recited act be so amended as to read as follows: That no ferry boats be permitted to ferry across the said river within two miles, on a straight line, above and below said point on said river. And that section four be amended so as to read as follows: That the said J. S. Stewart, Henry Mordecai and W. B. Foreman shall have, for and during the term of thirty years, the right to charge such rate of toll as the County Court of Brazos county may determine.

SEC. 2. That this act be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLVIII.

AN ACT TO INCORPORATE THE GALVESTON SAVING BANK AND TRUST COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Isadore Dyer, Albert Ball, Morritz Kopperel, J. L. Darrah, John J. Harrel, John Sealy, Henry Rosenberg, J. M. Brown, John P. Davie, Julius Frederick, Noah Johns, J. H. Hutchins, Theodore Wagner, E. Randall, M. D., E. T. Austin, Thomas Goggan and Martin Davey, be and they are hereby declared to be a body politic, in law and in fact, under the name and style of the Galveston Saving Bank and Trust Company, and, under that name, they may sue and be sued, plead and be impleaded; buy, hold and sell, lease or convey real property for the uses of said company; make contracts, pass by-laws, and generally to perform all acts and things, proper and necessary to be done, to carry into effect the objects and maintain the rights of said corporation under this charter.

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SEC. 2. That the corporators herein named, or a majority of them, shall, within thirty days after the passage of this act, proceed to organize said company in such manner as they may deem best for the interest of said corporation; *provided*, that after the sum of one hundred thousand dollars shall have been subscribed and paid in, the said corporation may commence business. The affairs of said company shall be managed by a board of directors, not less than five nor more than thirteen in number, who shall be elected by the stockholders, at any annual meeting thereof; said board of directors shall elect one of their number to be president of the board of directors, and shall elect such other officers as the company may need.

SEC. 3. That the capital stock of said corporation shall be three hundred thousand dollars, divided into shares of one hundred dollars each; each share of said stock shall entitle the owner thereof to one vote, at any meeting of the stockholders, called as provided in the by-laws of the company. The capital may be invested in the bonds of the United States or of the State of Texas, in mortgages or in unincumbered real estate within the State of Texas, worth double the amount loaned thereon, or upon stocks or bonds of incorporated companies, or upon the bonds or stocks of the incorporated towns or cities of this State, or in any one or all of said securities, at the discretion of the directors of the corporation.

SEC. 4. That the corporation hereby created shall receive deposits of money from one dollar and upwards. Parents may deposit for their children, and guardians for their wards. Such interest shall be allowed to depositors as may be directed by the by-laws of said company, and all deposits made shall be made under said by-laws; it may receive money in trust, and to accumulate the same at such rate of interest as may be provided for in said by-laws; to accept and execute all such trusts of every description, not inconsistent with the laws of the State, as may be committed to them by any person or persons whatsoever, or by any corporation, or by order of the Supreme Court, district or probate courts of this State or United States; to take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate in trust, created in accordance with the laws of the State, and execute such legal trusts, in regard to the same, on such terms as may be declared, established or agreed upon in regard thereto. The said company is authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds, or other evidences of debt of any corporation, association, municipality, State or public authority, on such terms as may be agreed upon. On any sum of money not less than one hundred dollars, which shall be collected or received by the said company in its capacity of administrator, trustee

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or guardian, receiver or depository of moneys in court, an interest shall be allowed by said company, as provided for in the by-laws of said corporation, which rate of interest shall continue until the money so received shall be duly expended or distributed. On all sums of money deposited, less than one hundred dollars, the depositor may, by an entry in his deposit book, signed by him and witnessed by the treasurer of the company and attending manager, president or cashier of the company, appoint a person to receive the same in case of his death, and the person so appointed shall have right, on death of depositor, to receive all such deposits entered in said book without letters of administration or testamentary, and the receipt of such persons shall be a full discharge of the company.

SEC. 5. That no loan shall be made, directly or indirectly, to any trustee or officer or employé of said corporation; and for every violation of this section, the trustee or officer making this loan, or consenting thereto, shall be liable to said corporation for the amount so loaned.

SEC. 6. That the said company may purchase, at any sale, any property, real or personal, that may have been mortgaged or conveyed in trust to it, and may re-sell the same, but only for the *bona fide* purpose of securing a debt due to the company; and the company shall not at any time hold real estate to the value exceeding one-third of the capital stock of the company, except such as may be necessary for the convenient transaction of its business.

SEC. 7. That this charter and all its privileges and powers herein granted, shall continue for twenty-five years, and shall be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLIX.

### AN ACT TO INCORPORATE THE COLORADO AND M'DADE FERRY COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Gus. A. Schneider, J. V. Baker and F. Hoppe, and such persons as they may associate with themselves, are hereby incorporated under the name and style of the "Colorado and McDade Ferry Company," and shall have succession for the term of thirty years; that they may have a corporate seal and the right of holding

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property, real, personal and mixed, for the purpose of carrying on the objects of this incorporation; and they may transfer, alienate and dispose of their joint or individual interest herein at pleasure.

SEC. 2. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to establish and maintain a ferry on the Colorado river, at or near the mouth of the ravine between the lands of said Gus. Schneider and E. Goodman, where the new road, from the mouth of the lane between said Schneider and Goodman, to McDade crosses the said river; said ferry shall be known hereafter by the name set forth in the first section of this act.

SEC. 3. That the said Gus. A. Schneider, J. V. Baker, F. Hoppe, and their heirs and assigns, shall be bound during the term aforesaid to keep in good order a boat or flat sufficient at all times to transport and ferry across said river all wagons, horses, cattle, persons and property, with safety and convenience, and to keep and maintain the banks on each side of said river to low water mark so as to insure the embarkation of all persons and property ferried across said river at said ferry.

SEC. 4. That there shall not be established any other ferry, or other ferry boat kept or run for public use, within two miles above and below said ferry established by this act, except for private use.

SEC. 5. That the said Gus. A. Schneider, J. V. Baker and F. Hoppe, shall have, for and during the said term of thirty years, the right to charge the following rates of toll: For footman, five cents; single horse or mule, ten cents; man and horse, ten cents; wagon or carriage and two horses or oxen, fifty cents; wagon and four horses or oxen, seventy-five cents; wagon and six horses or oxen, one dollar; wagon, carriage or buggy and one horse or ox, twenty-five cents; all other animals in droves, three cents per head; *provided*, that the said Schneider, Baker and Hoppe may charge double these rates when the waters of said river are overflowing its banks.

SEC. 6. That all acts or parts of acts in conflict with this act be and the same are hereby repealed, and that this act take effect from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLX.

AN ACT TO INCORPORATE THE HOUSTON SAVINGS BANK.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That A. J. Burk, Richard Allen, J. W. McDonald, H. D. Johnson, E. Carter, and such other persons as they may associate with them, and their successors, be and they are hereby created a body politic and corporate under the name and style of the "Houston Savings Bank;" and by such corporate name shall have succession; may sue and be sued; may have and use a corporate seal; may own property, real, personal and mixed; may mortgage and alienate the same; and may also issue bank bills, and borrow and loan money.

SEC. 2. The legal domicile of the company shall be in the city of Houston.

SEC. 3. That the said company, under their corporate name, shall be empowered to deal in foreign and domestic exchange, bank notes, coin, bullion, cotton, wool, hides, or any other thing of value; to buy and sell the stock of any other incorporated company, or the bonds of any other company, or of any county, city or State; to issue, emit and circulate their own notes; *provided*, such circulation shall not exceed at any one time the amount of their capital stock already subscribed; and to do and perform all acts necessary for or incidental to the carrying out of the objects of the company or appertaining to a savings bank company.

SEC. 4. That the capital stock of said company shall be fifty thousand dollars, including all its property, real and personal, franchises and rights to property. The stock of the company shall be divided into shares of twenty-five dollars each, which shall be considered personal property, and shall be transferable as may be provided in the by-laws, and payable at such times and in such sums as the directors may determine in their by-laws; and said company shall organize within two years after the passage of this act.

SEC. 5. That said company shall make by-laws for the government of its affairs and officers, which by-laws may be altered or amended, from time to time, as may be deemed advisable by a majority of the board of directors.

SEC. 6. That the management of said company shall consist of a board of directors, not less than five nor more than seven, to be elected annually by the stockholders. They shall elect from the board of directors one president, one vice president, and such other officers as may be prescribed by the by-laws, and their term of office shall be for one year, or until their successors qualify.

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SEC. 7. All obligations of the company shall be signed by the president and cashier.

SEC. 8. That the capital stock of the company may be increased to two hundred and fifty thousand dollars, by the board of directors, as may be prescribed by the by-laws.

SEC. 9. That this act of incorporation shall take effect and be in force from and after its passage, and shall remain in force for the period of fifty years.

Approved December 2, 1871.

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## CHAPTER CLXI.

AN ACT TO INCORPORATE THE CAPITAL CITY CLUB OF AUSTIN, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Eugene Bremond, George W. Sampson, Julius Schutze, John H. Robinson, Charles S. West, William F. Ford, Fred. Carleton, S. B. Brush, R. N. Lane and their associates and successors be and they are hereby created a body corporate and politic for the promotion of benevolence and encouragement of musical and dramatic science, under the name and style of the Capital City Club, and by that name may buy, hold, enjoy, sell, convey and alienate property, both real and personal; and by the aforesaid name may sue and be sued, defend and be defended, plead and be impleaded in any court of law or equity in this State; *provided*, that the property of said association shall not exceed at any time the sum of fifty thousand dollars.

SEC. 2. That said association shall be governed and controlled by a president, vice president, secretary and treasurer, together with a board of trustees; and the said association shall have power to enact by-laws, rules and regulations for its government, and to alter and amend the same, not inconsistent with the laws of this State.

SEC. 3. That said corporation shall have a common seal, and in general have and exercise all such rights, privileges and immunities as by law are incident thereto or necessary for corporations of similar character.

SEC. 4. That the aforesaid association shall have the right to give musical and dramatical entertainments, free from taxation, in order to enable them to carry out their objects as stated in section one.

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SEC. 5. That this act take effect from and after its passage, and remain in force thirty years.

Approved December 2, 1871.

## CHAPTER CLXII.

AN ACT TO AUTHORIZE THE LATE STATE TREASURER TO INSTITUTE SUIT AGAINST THE STATE OF TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That John T. Allan be and is hereby authorized to institute suit in the District Court of Travis county against the State of Texas, in order to obtain a settlement of accounts as late Treasurer of this State.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

## CHAPTER CLXIII.

AN ACT TO INCORPORATE THE COSMOPOLITAN CLUB OF THE CITY OF GALVESTON, TEXAS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Bernard Marcus, Ed. N. Ketchum, N. W. Grisamore, J. M. Forshey, Jas. H. Miller, Dan. A. Sullivan, Thad. Mathers, P. S. Wren, Jessie Butts, junior, J. D. Crawford, Charles Collett, Nathan Book, Albert L. Arnold, and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name of the Cosmopolitan Club of the city of Galveston, to be located in said city, having for its object, benevolence, social refinement, and encouragement of musical, physical and literary sciences, and under the name aforesaid shall have power to buy, hold, enjoy, sell, convey, and alienate property, real and personal; sue and be sued, defend and be defended, plead and be impleaded in

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any court of law or equity, in this State; *provided*, that the property of said club shall not exceed at any time, the sum of twenty-five thousand dollars; *provided, further*, that said club shall be exempt from all occupation tax, State, county and municipal; *and provided, further*, that no malt, vinous, or spiritual liquor or tobacco in any shape, shall be sold by the club at their rooms, or in connection therewith, nor shall it be allowed to transact any business of profit.

SEC. 2. That the aforesaid club shall have power to frame a constitution, and to enact such by-laws as it may deem necessary for its own government, not contrary to the Constitution and laws of this State, and of the United States; and may elect from its own body the officers necessary for conducting the business of said club.

SEC. 3. That said corporation shall have a common seal, and in general have and exercise all such rights, privileges and immunities as by law are incident thereto or necessary for corporations of a similar character.

SEC. 4. That the aforesaid club shall have the right to give musical and dramatic entertainments whenever it may deem it proper to carry out its object as stated in section one of this act.

SEC. 5. That the privileges, immunities and franchises of this corporation shall expire unless renewed within thirty years, and that this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLXIV.

AN ACT RELATIVE TO THE APPROVAL AND PAYMENT OF CLAIMS AGAINST THE STATE FOR REPAIRS, FIXTURES AND FURNITURE OF THE GOVERNOR'S MANSION AND ITS APPURTENANCES, AND FOR THE IMPROVEMENT OF THE GROUNDS APPERTAINING THERETO.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That all claims against the State for the repair, fixtures and furniture of the Governor's mansion and its appurtenances, and for the improvement of the grounds appertaining thereto, shall be approved by the Governor, who shall direct in each case whether the claim is to be paid out of the appropriation for repairs of Gov-

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ernor's mansion, and furniture and improving grounds, or is to be paid out of a special appropriation for any one or all of the purposes before recited.

SEC. 2. That upon the presentation to the Comptroller of any claim, approved in accordance with the first section of this act, and stating the appropriation out of which said claim is to be paid, as provided in the said first section, it shall be the duty of the Comptroller forthwith to audit said claim, and to issue his warrant upon the Treasurer of the State for the payment of the same, in case the appropriation therefor has not been exhausted.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved December 2, 1871.

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## CHAPTER CLXV.

AN ACT TO INCORPORATE THE BELL COUNTY AGRICULTURAL, MECHANICAL AND BLOOD STOCK ASSOCIATION.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That John W. Shanklin, V. H. Anderson, E. S. C. Robertson, O. T. Tyler, M. W. Damron, R. N. Wright, Theodore Van Ness, J. W. Vickry, Jefferson Reed, A. W. Collins, Robt. Hammil, Henry Harris, Robt. Childers, Ed. T. Reed, Silas Baggit, Ed. Flint, Elisha Embree, Ramsey Cox, D. D. Roseboro, J. F. Power, E. Fleming Cox, A. M. Keller, Wm. Redman, W. A. Miller, John Danley, J. A. Stringfellow, Hugh Miller, T. L. Miller, John Johnson, A. Tabler, Ed. Rancin, Julius Tobler, Dr. J. W. Hudson, A. W. Richard, and others, their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the Bell County Agricultural, Mechanical and Blood Stock Association, and by said corporate name shall be capable of suing and being sued, pleading and being impleaded, contracting and being contracted with, and of doing and performing all things necessary to carry into effect the objects of this act. They shall also have a common seal.

SEC. 2. That the objects of said association are declared to be the improvement of the breed of domestic animals and the encouragement of agricultural and mechanical improvements, and for these purposes said association is authorized to purchase, import, breed,

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exhibit and sell any kind of domestic animals; to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural and manufacturing interest of the people of this State; *provided*, that nothing herein contained shall infringe upon the rights of patentees. For the further purpose of carrying out the objects above declared, said association is hereby authorized to own the necessary real estate for fair grounds, pastures and farming grounds, not to exceed six hundred and forty acres; and to erect upon the same such improvements as may be necessary to carry out the objects of this association. That the fair grounds and other improvements of said association shall be located in the county of Bell, in this State.

SEC. 3. That the capital stock of said association shall not exceed one hundred thousand dollars, and shall be divided into shares of twenty dollars each; and that the affairs of said association shall be conducted by a board of directors, to be elected by and from the stockholders of said association, and that said board shall consist of not more than twelve, and a president, vice president, secretary and treasurer, who shall be elected by and from the stockholders of said association; these officers and the board of directors shall make such by-laws, rules and regulations, and appoint such other officers and agents as may be necessary for the government and conduct of said association.

SEC. 4. That said association shall hold at least one fair in each year at such time as they may select, and shall publish in at least one newspaper in the county a list of premiums to be offered, at least one month before holding said meeting or fair.

SEC. 5. That all medals or tokens awarded at such fair shall be engraved as follows: First premium for ....., B. C. A. M. and B. S. Association; *provided*, *however*, if they prefer, said association may pay their premiums in money.

SEC. 6. Not exceeding twenty-five per centum of the value of the premiums offered shall be exacted by said association from owners for the privilege of competing.

SEC. 7. That said association shall keep a seal engraved thus: B. C. A. M. and B. S. Association.

SEC. 8. That the domicile of said association shall be at the town of Belton.

SEC. 9. That this act take effect and be in force from and after its passage, and continue in force for the period of thirty years.

Approved December 2, 1871.

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## CHAPTER CLXVI.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GALVESTON TO ISSUE AND NEGOTIATE THE BONDS OF THE CITY OF GALVESTON, FOR THE PURPOSE OF PAYING THE OVER DUE DEBT OF SAID CITY AND TO IMPROVE THE STREETS OF SAID CITY BY GRADING, SHELLING, PAVING AND REPAIRING THE SAME, AND BUILDING CULVERTS AND BREAKWATERS, AND TO CREATE A FUND TO PAY THE INTEREST AND PRINCIPAL OF SAID BONDS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the city council of the city of Galveston be and it is hereby authorized to issue and negotiate the bonds of said city, to such extent as may be necessary to pay the over due debt of said city, and also the bonds of said city, for the purpose of improving the streets of said city by grading, shelling, paving and repairing the same, and building culverts and breakwaters.

SEC. 2. *Be it further enacted*, That upon the negotiation of any of the bonds authorized in the first section of this act, whether for payment of the debt or for street improvement, the city council shall create a separate fund for each class of said bonds, by setting apart a per centage of the general revenues of said city from taxation, as a special fund for the payment of the principal and interest of said bonds, which per centage shall remain appropriated until all said bonds are paid off, and the fund derived from said per centage shall be drawn out solely for the purpose of paying the coupons of the particular bonds for which it is provided, and the principal thereof when due.

SEC. 3. *Be it further enacted*, That the city council of the city of Galveston shall provide by ordinance for the issuance of said bonds, and direct the mode and time, and the rate and manner of the payment of interest, and make such other regulations as may be necessary to give effect to this act.

SEC. 4. *Be it further enacted*, That bonds for the payment of the over due debt of said city may be issued and negotiated under this act, to the extent of one hundred and fifty thousand dollars, and bonds for the improvement of the streets of said city, to the extent of three hundred and fifty thousand dollars, as they may be needed.

SEC. 5. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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THE STATE OF TEXAS, }
DEPARTMENT OF STATE. }

I, J. E. OLDRIGHT, Acting Secretary of State for the State of Texas certify that the acts contained in this volume are true copies, taken from the originals in the Department of State, with which they have been carefully compared.

And I further certify, that the adjourned session of the Twelfth Legislature of said State commenced at the city of Austin on Tuesday, the twelfth day of September, in the year of our Lord one thousand eight hundred and seventy-one, and adjourned *sine die* on Saturday, the second day of December, in the year of our Lord one thousand eight hundred and seventy-one.



In testimony whereof, I have hereunto signed my name and have caused the seal of the Department of State to be affixed, at the city of Austin, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and seventy-two.

J. E. OLDRIGHT,
Acting Secretary of State.

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DEPARTMENT OF STATE,
AUSTIN, Texas.

Without mentioning minor errors in the enrolled copy of the amendment to the city charter of Jefferson, Marion county, Chapter CXII, approved December 1, 1871, the following additional remarks are made, to-wit:

The following has been omitted in clause fifty-four of "Powers and Duties of Board of Aldermen," viz: "idle, loitering or rambling about, or staying in groceries, drinking saloons, houses of ill fame, or houses of bad repute, gambling houses, railroad depots or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also, keepers, exhibitors or visitors at any gaming table, gambling house, houses for fortune telling, places for cock fighting, or other places of device, and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or place where religious worship is held."

Also omitted, after section ten of "Public Improvements," the following, viz: "Removal of Nuisances."

SEC. 11. In all cases where expenses may be incurred in the removal of any nuisance, the board of aldermen may cause the same to be assessed against the real estate chargeable therewith. Such expense shall be likewise collected of the owner or occupant of such premises in a suit for money expended to his or their use. Suit may, in like manner, be brought for such expenses against the author of such nuisances, when known, or any person whose duty it may be to remove or abate the same.

The House journal also shows that the following amendment, viz: "Sec. 12, page 141. The corporate limits of said city shall be one mile in every direction, from the intersection of Broadway and Line streets in said city," was not adopted; further, that the amendment to section 2, of "Powers and Duties of Officers," viz: "twenty" in lieu of "thirty," in line seven, was not adopted by the House, but that the bill was returned to the Senate with no amendments whatever.

JAMES P. NEWCOMB,
Secretary of State.

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